



## *The Judiciary, State of Hawa‘i*

### **Testimony to the House Committee on Human Services**

Representative Dee Morikawa, Chair

Representative Bertrand Kobayashi, Vice Chair

Tuesday, February 2, 2016

9:00 a.m.

State Capitol, Conference Room 329

### **WRITTEN TESTIMONY ONLY**

By

R. Mark Browning

Deputy Chief Judge, Senior Family Judge

Family Court of the First Circuit

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**Bill No. and Title:** House Bill No. 1666, Relating to Alternative Schools for Juveniles in the Justice System.

**Purpose:** Appropriates funds to DOE for 2 alternative schools to provide ongoing education to juveniles in the justice system or at risk of involvement in the juvenile system.

### **Judiciary's Position:**

The Judiciary submits this testimony in strong support of this bill authorizing and funding alternative schools, particularly in the Leeward O‘ahu and metro-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.



House Bill No. 1666, Relating to Alternative Schools for Juveniles in the  
Justice System

House Committee on Human Services

Tuesday, February 2, 2016 9:00 a.m.

Page 2

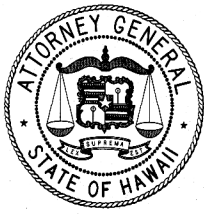
As a result, the youth are unable to succeed and experience repeated failures, despite their best efforts and the best efforts of their teachers in traditional settings.

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 submit testimony on this bill.



## **TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2016**

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**ON THE FOLLOWING MEASURE:**

**H.B. NO. 1666, RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES INVOLVED  
IN THE JUSTICE SYSTEM.**

**BEFORE THE:**

**HOUSE COMMITTEE ON HUMAN SERVICES**

**DATE:** Tuesday, February 2, 2016

**TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Melissa J. Kolonie, Deputy Attorney General

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Chair Morikawa and Members of the Committee:

The Department of the Attorney General offers the following comments.

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

This bill may 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 Involved in the Justice System." However, the alternative schools proposed by the bill would be available to a more expansive population of students beyond juveniles involved in the justice system. The bill provides:

Alternative school participants shall be identified by one or more of the following criteria:

- (1) Ten or more unauthorized absences (current or previous quarter);
- (2) Academic failure in two or more courses (current or previous quarter)
- (3) Three or more disciplinary referrals; Chapter 19 disciplinary referrals for A, B, C, and D offenses;
- (4) One or more grade levels behind or retention (from kindergarten to the student's current grade level);
- (5) Adjudicated involvement with the juvenile justice system (current status); or
- (6) Other at-risk factors as determined by the home school.

Page 2, Lines 1 – 14; page 3, line 21 through page 4, line 14. Five of the six listed criteria do not relate to juveniles involved in the justice system. Therefore, the alternative school

participants, based on the criteria, could include students who are not involved in the juvenile justice system.

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.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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PROSECUTING ATTORNEY

ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE DEE MORIKAWA, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawai'i**

February 2, 2016

**RE: H.B. 1666; RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES  
INVOLVED IN THE JUSTICE SYSTEM.**

Chair Morikawa, Vice-Chair Kobayashi and members of the House Committee on Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** H.B. 1666. In 2013, our Department worked closely with the Department of Education ("DOE") to develop language that would meet their needs in this regard. H.B. 1666 contains that same language (with relevant dates updated).

The purpose of H.B. 1666 is consistent with this Department's ongoing concern for at-risk youth, as reflected in our efforts to submit similar bills [S.B. 419 (2013), H.B. 237 (2013) and H.B. 1461(2015)]. Over the years, increases in juvenile crime have prompted various business groups to request assistance in curbing crime against their establishments, and the Department has seen increasing incidents where the juvenile offenders are as young as 12 years old. Many of these juvenile offenders are excluded (primarily through their own doing) from the traditional public education system, which only worsens the problem and may increase the chances of future involvement in the criminal justice system. At the same time, the Family Court has implemented a program called Juvenile Detention Alternative Initiative, in which juveniles are (ideally) diverted from detention to attend alternative programs. Yet there continue to be very few programs available to juvenile offenders in Hawaii, often leaving them with little or no meaningful alternatives.

While the purpose of H.B. 1666 is to establish an alternative school program for juveniles involved in the justice system, it is our understanding that the DOE currently maintains a number of "alternative learning centers" that serve this general purpose. That said, more programs are desperately needed, and the Department strongly believes that **two (2) additional "alternative schools" are needed** to adequately service our at-risk youth. We defer to the DOE regarding

exactly what would be entailed or necessary to implement these additional alternative schools, but we highly recommend looking at the DOE's "High Core Program"—formerly known as Storefront School—which is located in Wahiawa.

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

Although our Department's primary role is to prosecute juvenile and criminal cases within the justice system, our overarching focus is on public safety for the community, and that starts with prevention and education. If a sufficient number of programs like High Core were developed and implemented, the Department strongly believes that many more at-risk youth could be "diverted" before they ever become part of the juvenile justice system, or the criminal justice system.

For all the reasons above, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports H.B. 1666. Thank you for the opportunity to testify on this matter.

# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Rick Collins, President

Judith F. Clark, Executive Director

Big Brothers Big Sisters of

Hawaii

Bobby Benson Center

Central Oahu Youth Services

Association

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Student Television

Hui Malama Learning Center

Kokua Kalihi Valley

Life Foundation

Marimed Foundation

Maui Youth and Family Services

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

Parents and Children Together

(PACT)

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

Uhane Pohaku Na Moku

O Hawai'i

Waikiki Health

January 27, 2016

To: Representative Dee Morikawa, Chair,  
And members of the Committee on Human Services

**TESTIMONY IN OPPOSITION TO HB 1666 RELATING TO  
ALTERNATIVE SCHOOLS FOR JUVENILES INVOLVED IN THE  
JUSTICE SYSTEM**

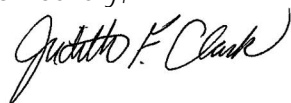
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, opposes HB 1666 Relating to Alternative Schools for Juveniles Involved in the Justice System

Youth that are involved in the juvenile justice system need supports from their family, school and community. Nearly half have been arrested for status offenses such as running away from home or being truant from school.

They are already stigmatized and traumatized by their involvement with the law enforcement and court systems. They should not be stigmatized further by removal from their home school and friends into an alternative school placement unless they are unable to function in a regular school setting.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark  
Executive Director





# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON HUMAN SERVICES

Rep. Dee Morikawa, Chair

Rep. Bertrand Kobayashi, Vice Chair

Tuesday, February 2, 2016

9:00 a.m.

Room 329

## OPPOSE HB 1666 - ALTERNATIVE SCHOOLS

Aloha Chair Morikawa, Vice Chair Kobayashi 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 for almost two decades. This testimony is respectfully offered on behalf of the approximately 6,000 Hawai`i individuals living behind bars, always mindful that 1,400, of Hawai`i individuals who are serving their sentences abroad, are thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 1661 appropriates funds to the department of education for the development of an alternative school program that provides ongoing education to juveniles involved in the justice system.

Community Alliance on Prisons is in **OPPOSITION** to this measure.

While mainstreaming students is the trend and is happening across the county, the prosecutor is proposing to do the opposite. We have spoken to teachers, social scientists, psychologists and people in the community and everyone agrees: THIS IS A BAD IDEA.

A Social Policy Report - *Giving Child and Youth Development Knowledge Away* made these recommendations and conclusions from their report<sup>1</sup>:

### ***“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.*

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<sup>1</sup> **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>

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

### **Conclusions and Implications**

*Given that society's general response to problem behavior in youth is to segregate them in groups, it is necessary to attend to the risk of peer contagion but also to remain cautious about dismantling the current system in favor of sweeping policy change. Although the individual youth themselves may not benefit from placements with deviant peers, it is plausible that youth remaining in the community (e.g., a public school) benefit from their removal. Most individual decisions regarding placement of a deviant youth have a decidedly and understandably myopic perspective. That is, parents of a deviant child want the best outcome for their child, whereas parents of nondeviant peers want their children protected from deviant youth. Elected judges are most responsive to public politics, whereas advocacy groups lobby on behalf of the interests of their constituencies. Agency directors are most attentive to cost containment and short-term outcomes. Individual parents must certainly advocate for their child, but public officials should be encouraged by the use of incentives to think more broadly at the system level. What is needed is a system-encompassing perspective that weighs the perspectives of all stakeholders in a youth system, such as the one offered by Cook and Ludwig (in Dodge et al., in press). Unfortunately, very little research has been completed at the system level, and so public policy decision makers are left to their own weighting schemes.*

*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."*

Community Alliance on Prisons respectfully asks the committee to hold this bill.

Mahalo for the opportunity to testify.

Edward Thompson, III

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 01, 2016 9:08 AM  
To: HUS testimony  
Cc: leilani.maxera@gmail.com  
Subject: \*Submitted testimony for HB1666 on Feb 2, 2016 09:00AM\*

**HB1666**

Submitted on: 2/1/2016

Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Maxera	The CHOW Project	Oppose	No

Comments:

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

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## kobayashi2-Jessi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 29, 2016 8:09 PM  
**To:** HUS testimony  
**Cc:** maukalani78@hotmail.com  
**Subject:** \*Submitted testimony for HB1666 on Feb 2, 2016 09:00AM\*

### **HB1666**

Submitted on: 1/29/2016

Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Oppose	No

### Comments:

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## kobayashi2-Jessi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 31, 2016 4:30 PM  
**To:** HUS testimony  
**Cc:** lorenn@hawaii.rr.com  
**Subject:** Submitted testimony for HB1666 on Feb 2, 2016 09:00AM

### **HB1666**

Submitted on: 1/31/2016

Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Lorenn Walker	Individual	Oppose	No

Comments: This bill to bring "at-risk" students together in a special alternative school is a bad idea. Research shows that students with behavioral problems who are placed with similar peers increases bad behavior (Gifford-Smith, et al, 2005, Peer Influence in Children and Adolescents: Crossing the Bridge from Developmental to Intervention Science, J Abnorm Child Psychol, 33(3): 255–265, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2747364/#R42>). Instead of creating a special school to segregate students with behavioral problems, shown to increase bad behavior, the state should eliminate "zero tolerance" policies that keep students out of school, and increase educational and social programs for all youth, and avoid the "at-risk" label completely. Restorative justice can and should be used in place of zero tolerance (Walker, Improving School Disciplinary Policies Would Improve Juvenile Justice System, Star Advertiser December 30, 2013. <http://lorennwalker.com/articles/RJ-in-school-12-13.pdf>). I a public health educator working in restorative justice and with marginalized populations for many years [www.lorennwalker.com](http://www.lorennwalker.com). Please call or email me if you have any questions about my testimony (808) 218 3712, [lorenn@hawaii.rr.com](mailto:lorenn@hawaii.rr.com). Mahalo for your public service. Aloha, Lorenn Walker, JD, MPH

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**LATE**

DAVID Y. IGE  
GOVERNOR



KATHRYN S. MATAYOSHI  
SUPERINTENDENT

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

**Date:** 02/02/2016

**Time:** 09:00 AM

**Location:** 329

**Committee:** House Human Services

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** HB 1666 RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES INVOLVED IN THE JUSTICE SYSTEM.

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

**Department's Position:**

The Department of Education (Department) supports the intent of HB 1666 to provide ongoing education to juveniles involved in the justice system or at risk of involvement in the justice system for Alternative Learning Centers (ALCs) in Leeward Oahu and Honolulu districts.

Respectfully, it would be the Department's preference to expand programmatic services across all complex ALCs for at-risk youth to ensure that they have access to appropriate educational and support services in an alternative learning center. Further, the Department requests that the language in the bill be revised to strike the term "grant-in-aid" to better support ongoing program sustainability.

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

We appreciate that the bill recognizes the need for an additional general fund appropriation to assist with the effective implementation of this measure. The Department requests that the implementation of HB 1666 would not replace or adversely impact priorities indicated in our Executive Budget.

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

Edward Thompson, III

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 02, 2016 2:03 AM  
To: HUS testimony  
Cc: starmer@hawaii.edu  
Subject: \*Submitted testimony for HB1666 on Feb 2, 2016 09:00AM\*

**LATE**

**HB1666**

Submitted on: 2/2/2016

Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Kaelan	Individual	Oppose	No

Comments:

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Edward Thompson, III

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To: HUS testimony  
Cc: theede@hawaii.rr.com  
Subject: \*Submitted testimony for HB1666 on Feb 2, 2016 09:00AM\*

**LATE**

**HB1666**

Submitted on: 2/2/2016

Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Oppose	No

Comments:

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