

SB2110

Measure Title:	RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES INVOLVED IN THE JUSTICE SYSTEM.
Report Title:	Honolulu Prosecuting Attorney Package; Appropriations; Department of Education; Alternative Schools (\$)
Description:	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.
Companion:	HB1666
Package:	Honolulu Prosecuting Attorney
Current Referral:	EDU/JDL, WAM
Introducer(s):	KOUCHI (Introduced by request of another party)



The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Education

Senator Michelle N. Kidani, Chair

Senator Breene Harimoto, Vice Chair

Testimony to the Senate Committee on Judiciary and Labor

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Friday, February 12, 2016

1:15pm.

State Capitol, Conference Room 229

By

WRITTEN TESTIMONY ONLY

R. Mark Browning

Deputy Chief Judge, Senior Family Judge

Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2110, 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 Oahu and metro-Honolulu areas, to be developed by the Department of Education (DOE).



Senate Bill No. 2110, Relating to Alternative Schools For Juveniles Involved in the Justice System
Senate Committees on Education and Judiciary and Labor
Friday, February 12, 2016, 1:15pm
Page 2

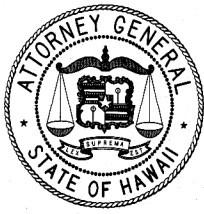
For many and varied reasons, many of which are outside the control of the students, at-risk youth and youth in the juvenile justice system are not well equipped to succeed in the traditional school setting. Often their younger years have been shaped by traumatic life experiences, dysfunctional family 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.

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 Hawaii 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

ON THE FOLLOWING MEASURE:

S.B. NO. 2110, RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES INVOLVED IN THE JUSTICE SYSTEM.

BEFORE THE:

SENATE COMMITTEES ON EDUCATION AND ON JUDICIARY AND LABOR

DATE: Friday, February 12, 2016

TIME: 1:15 p.m.

LOCATION: State Capitol, Room 229

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

Chairs Kidani and Keith-Agaran and Members of the Committees:

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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**THE HONORABLE MICHELLE N. KIDANI, CHAIR
SENATE COMMITTEE ON EDUCATION**

**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR**

**Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i**

February 12, 2016

**RE: S.B. 2110; RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES
INVOLVED IN THE JUSTICE SYSTEM.**

Chair Kidani, Chair Keith-Agaran, Vice-Chair Harimoto, Vice-Chair Simabukuro, members of the Senate Committee on Education, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** S.B. 2110. This bill is part of the Department's 2016 legislative package.

The purpose of S.B. 2110 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) and H.B. 1461(2015)]. 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; S.B. 2110 contains that same language (with relevant dates updated).

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.

S.B. 2110 seeks to establish an “alternative school” program in the Leeward and Honolulu Districts, 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 Leeward and Honolulu Districts, 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.

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 **two (2) additional “alternative schools”** 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 S.B. 2110. Thank you for the opportunity to testify on this matter.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

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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

February 4, 2016

To: Senator Michelle Kidani, Chair,
And members of the Committee on Education

Senator Gilbert Keith-Agaran, Chair
And members of the Committee on Education

TESTIMONY IN OPPOSITION TO SB 2110 RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES INVOLVED IN THE JUSTICE SYSTEM

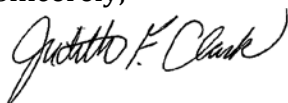
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, opposes SB 2110 Relating to Alternative Schools for Juveniles Involved in the Justice System

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

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COMMITTEE ON EDUCATION

Sen. Michelle Kidani, Chair

Sen. Breen Harimoto, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Sen. Gil Keith-Agaran, Chair

Sen. Maile Shimabukuro, Vice Chair

Friday, February 12, 2016

1:15 p.m.

Room 229

OPPOSE SB 2110 - ALTERNATIVE SCHOOLS

Aloha Chairs Kidani and Keith-Agaran and Members of the Committees!

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.

SB 2110 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 report¹: ***Recommendations:*** *Three sets of recommendations result from this review of the research.*

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>

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

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 ²Dodge 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.

If we don't stand up for children, then we don't stand for much.

Marian Wright Edelman



COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair
Senator Breene Harimoto, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

DATE: Friday, February 12, 2016
TIME: 1:15 PM
PLACE: Conference Room 229

Dear Honorable Committee Members,

Opposition to SB 2110 – Relating to Alternative Schools for Juveniles Involved in the Justice System

Mahalo for your public service. I am the executive director of Hawai'i Friends of Restorative Justice a 30+ year old non-profit dedicated to improving our justice system. When we incorporated in 1980 our first project was a *Street Law* pilot program for juveniles under family court supervision. In 2000, we provided a pilot diversion project that UNICEF (United Nations Children's Fund) cites with models of juvenile restorative programs http://www.unicef.org/tdad/index_56513.html. We have worked with foster and homeless youth, with youth at the Hawai'i Youth Correctional Facility, and youth whose parents are imprisoned. Most of our work is published and widely disseminated in the US and abroad.

We strongly oppose this measure to segregate juveniles who are involved with the justice system or “at risk” from law abiding youth and mainstream education. This bill is an example of the “pipeline to prison” problem.

Adolescents with “high-risk” behavior are especially influenced by their peers, p. 755, 1999, Dishon, et al., *When Interventions Harm: Peer Groups and Problem Behavior*, American Psychologist, 54:9, 755-764. Likewise, 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” (OJJDP Bulletin, March 2015, *Psychosocial Maturity and Desistance From Crime in a Sample of Serious Juvenile Offenders*, p. 1 <http://www.ojjdp.gov/pubs/248391.pdf>).

Segregating and grouping at risk juveniles together risks further delinquency and criminality, and feeds the pipeline to prison. Instead of creating harmful opportunities, please eliminate “zero tolerance” and fund meaningful mainstream education for all youth for our community.

Please contact me at (808) 218-3712 and lorenn@hawaii.rr.com for further information about our opposition to this measure. Mahalo again for your service to the community.

Aloha, Lorenn Walker, JD, MPH

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From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SB2110 on Feb 12, 2016 13:15PM*
Date: Tuesday, February 09, 2016 10:41:44 PM

SB2110

Submitted on: 2/9/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

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

Comments:

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Subject: *Submitted testimony for SB2110 on Feb 12, 2016 13:15PM*
Date: Wednesday, February 10, 2016 2:16:39 PM

SB2110

Submitted on: 2/10/2016

Testimony for EDU/JDL on Feb 12, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Oppose	No

Comments:

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