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## A BILL FOR AN ACT

RELATING TO EDUCATION FOR FOSTER CHILDREN.

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

1           SECTION 1. The legislature finds that stability is a  
2 serious issue facing Hawaii's foster children and that foster  
3 children who experience psychological and emotional trauma, due  
4 to removal from family, additionally suffer educational setbacks  
5 due to frequent changes in school placement. Foster children,  
6 including foster youth, may change schools many times during a  
7 single school year. Each time a child changes schools, he or  
8 she must confront new personnel, new subject matter, and new  
9 students, while also having to adjust to a new home environment.  
10 As the school year progresses, teachers build on concepts from  
11 prior lessons to take children to new levels of understanding.  
12 Every time a child changes schools, the child is thrown into a  
13 new environment, is immediately behind, and will not receive the  
14 full intended benefit of a year's worth of coursework, as the  
15 child has not participated in the prior lessons. Every time a  
16 child changes schools, the child must acclimate to the new  
17 environment and spend significant time getting accustomed to the



1 teaching methods and the dynamics of particular groups of  
2 students that are inherently different from the child's prior  
3 classroom. Research has shown that with every change in school  
4 placement, a foster child falls behind at least one-half to one  
5 full grade level.

6 Many foster children receive specialized education, therapy  
7 services, and tutoring services. When they change schools,  
8 these services are often delayed. Further, instability and  
9 problems in school increase difficulties in the home for foster  
10 children. Providing stability in school will support foster  
11 placements and help prevent instability at home as well as at  
12 school.

13 The purpose of this Act is to provide educational stability  
14 for foster children, regardless of what is happening within  
15 their biological or foster families.

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

19 "§302A-A Definitions. For purposes of sections 302A-B and  
20 302A-C, unless the context requires otherwise, the following  
21 definitions shall apply:



1 "Foster child" means a child who was removed from the  
2 child's parents' care and placed in foster care or permanent  
3 custody of the department of human services under chapter 587.

4 "School of origin" means the school that a child last  
5 attended when the child was removed from the child's parents'  
6 care and placed into the foster custody or permanent custody of  
7 the department of human services; or the school that a child  
8 last attended when the child's foster placement was changed.

9 **§302A-B School placement decisions for foster children.**

10 Decisions on where a foster child will be enrolled in school  
11 shall be made based on the best interests of the child; provided  
12 that, in making these determinations, the department shall  
13 presume, to the extent feasible, it is in the child's best  
14 interests to:

15 (1) Keep the child in the child's school of origin:

16 (A) Until the end of the school year; or

17 (B) For a child in high school, until the child  
18 completes the child's senior year; and

19 (2) Follow the wishes of the child.

20 **§302A-C Comparable services.** Foster children, including

21 those living outside the geographic area of the school district,



1 shall receive comparable services to children living within the  
2 district including:

- 3 (1) Transportation services, including supervised
- 4 transportation to school from their foster home;
- 5 (2) Tutoring services;
- 6 (3) Counseling services; and
- 7 (4) Extracurricular activities."

8 SECTION 3. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$                    or so  
10 much thereof as may be necessary for fiscal year 2008-2009 to  
11 the department of education for the provision of comparable  
12 transportation services for foster children.

13 The sum appropriated shall be expended by the department of  
14 education for the purposes of this Act.

15 SECTION 4. In codifying the new sections added by section  
16 2 of this Act, the revisor of statutes shall substitute  
17 appropriate section numbers for the letters used in designating  
18 the new sections in this Act.

19 SECTION 5. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on July 1, 2008.

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**Report Title:**

DOE; Foster Children; Stability of School Placement and  
Transportation

**Description:**

Establishes rules for school placement and transportation for  
foster children.

