
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 the lack of
2 stability in the lives of Hawaii's foster children is a serious
3 issue, and that foster children who experience the psychological
4 and emotional trauma of being removed from their family also
5 suffer educational setbacks due to frequent changes in school
6 placement. Foster children and youth sometimes change schools
7 many times during a single school year. Each change requires a
8 child to adapt to new personnel, new subject matter, and new
9 students, while also adjusting to a new home environment.

10 As the school year progresses, teachers build on concepts
11 from prior lessons to take children to new levels of
12 understanding. Every time a child changes schools, the child
13 immediately falls behind in school work and does not receive the
14 full benefit of a year's worth of instruction because the child
15 has not participated in prior lessons. The child must also
16 acclimate to a new environment and spend significant time
17 becoming accustomed to new teaching methods and student-group



1 dynamics. Research has shown that with every change in school
2 placement, a foster child falls behind at least one-half to one
3 full grade level.

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

11 The purpose of this Act is to provide educational stability
12 for foster children, regardless of what is happening within
13 their biological or foster families, by establishing guidelines
14 for school placement and appropriating funds for transportation
15 services for foster children.

16 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§302A- Foster children; school placement; services.**

20 (a) Decisions on where a foster child will be enrolled in
21 school shall be based on the best interests of the child and
22 made in consultation with the parents and/or legal guardians,



1 department of human services, the child's guardian ad litem and,
2 when necessary, the surrogate parent. If the family court has
3 jurisdiction over this matter, the family court is authorized to
4 make the final decision, if necessary.

5 In making determinations under this subsection, the
6 department shall presume, to the extent feasible, that it is in
7 the child's best interests to:

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

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

10 (B) Until the child completes the child's senior
11 year, if the child is in high school;

12 and

13 (2) Follow the wishes of the child.

14 (b) Foster children, including those living outside the
15 geographic area of the school district, shall receive benefits
16 comparable to those received by children living within the
17 district, including:

18 (1) Transportation services, including supervised round-
19 trip transportation between their foster home and
20 school;

21 (2) Tutoring services;

22 (3) Counseling services; and



1 (4) The right to participate in extracurricular
2 activities.

3 (c) For purposes of this section:

4 "Foster child" means a child placed in foster custody or
5 permanent custody of the department of human services, pursuant
6 to chapter 587, or a child under chapter 571 who is temporarily
7 or permanently placed outside of the home.

8 "School of origin" means the school that a child attended
9 at the time the child was placed into the foster custody or
10 permanent custody of the department of human services pursuant
11 to chapter 587."

12 SECTION 3. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2008-2009 for
15 the department of education to provide transportation services
16 for foster children to and from school.

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

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 2020.



Report Title:

Foster Children; Stability of School Placement; Transportation

Description:

Establishes guidelines for school placement and transportation for foster children. (HB2051 HD2)

