
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 placed in foster care or
2 permanent custody of the department of human services pursuant
3 to chapter 587.

4 "School of origin" means the school that a foster child
5 attended at the time the foster child was placed into the foster
6 custody or permanent custody of the department of human services
7 pursuant to chapter 587.

8 §302A-B School placement decisions for foster children.

9 Decisions on where a foster child will be enrolled in school
10 shall be made based on the best interest of the foster child;
11 provided that, in making these determinations, the department,
12 in consultation with the department of human services, the
13 foster child's guardian ad litem, and the family court, as
14 appropriate, shall presume, to the extent feasible, that it is
15 in the foster child's best interest to:

16 (1) Keep the foster child in the foster child's school of
17 origin:

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

19 (B) For a foster child in high school, until the
20 foster child completes the foster child's senior
21 year; and

22 (2) Follow the wishes of the foster child.



1 §302A-C Comparable services. Foster children, including
2 those living outside the geographic area of the school district,
3 shall receive comparable services to children living within the
4 district including:

- 5 (1) Transportation services, including supervised
- 6 transportation between schools and their foster homes;
- 7 (2) Tutoring services;
- 8 (3) Counseling services; and
- 9 (4) Extracurricular activities."

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

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

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

21 SECTION 5. New statutory material is underscored.

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



Report Title:

DOE; Foster Children; Stability of School Placement and
Transportation

Description:

Establishes rules for school placement and transportation for
foster children. (SD1)

