

JAN 22 2008

A BILL FOR AN ACT

RELATING TO EDUCATION.

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. It further finds
3 that foster children suffer educational setbacks due to frequent
4 changes in school placement. Foster children may change schools
5 many times during a single school year due to changing
6 placements in foster homes. Each time a child moves from one
7 school to another, the child must adapt to new personnel, new
8 subject matter, and new students, while having to adjust to a
9 new home environment at the same time.

10 The purpose of this Act is to remedy this situation by
11 providing educational stability for foster children, regardless
12 of situations within their biological or foster families.

13 Specifically, this Act:

14 (1) Requires decisions made on where a child will be
15 enrolled for school be based on the best interests of
16 the child;



1 (2) Requires that foster children, including those living
2 outside the geographic area of the school district,
3 receive services comparable to those for children
4 living within the school district; and

5 (3) Appropriates funds for school transportation services
6 for foster children.

7 SECTION 2. Section 302A-1143, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§302A-1143 Attend school in what district.** (a) All
10 persons of school age shall be required to attend the school of
11 the district in which they reside, unless enrolled in a Hawaiian
12 language medium education program, or unless it appears to the
13 department to be in the best interests of the child or otherwise
14 desirable to allow the attendance of pupils at a school in some
15 other district, in which case the department may grant this
16 permission[~~-~~] in accordance with subsections (b) and (c).

17 (b) In making a determination of where a child should be
18 enrolled, the department shall presume it is in the child's best
19 interests to:

20 (1) Keep the child in the child's school of origin until
21 the end of the school year or, for high school



1 students, until completion of the twelfth grade, to
2 the extent feasible; and

3 (2) Follow the wishes of the child, to the extent
4 feasible.

5 (c) Foster children, including those living outside the
6 geographic area of the school district, shall receive services
7 comparable to those for children living within the school
8 district, including:

9 (1) Transportation services, including supervised
10 transportation to school from the child's foster home;

11 (2) Tutoring services;

12 (3) Counseling services; and

13 (4) Extracurricular activity opportunities.

14 (d) For the purposes of this section:

15 "Foster child" means a child who has been removed from the
16 care of the child's parents and has been placed into foster care
17 or permanent custody by the department of human services
18 pursuant to chapter 587.

19 "School of origin" means the school that a child was
20 attending when the child was removed from the care of the
21 child's parents and placed into foster care or permanent custody



1 by the department of human services; or the school that a child
2 was attending when the child's foster placement was changed."

3 SECTION 3. There is appropriated or authorized from
4 temporary assistance for needy families funds the sum of \$
5 or so much thereof as may be necessary for fiscal year 2008-2009
6 to provide foster children, even those living outside the
7 geographic area of the school district, with school
8 transportation services comparable to those for children living
9 within the school district.

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

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2008.

15

INTRODUCED BY:

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Report Title:

Foster Children; School Placement; School Transportation

Description:

Provides educational stability for foster children by requiring decisions made on where a child will be enrolled for school be based on the best interests of the child. Requires that foster children, including those living outside the geographic area of the school district, receive services comparable to those for children living within the school district. Appropriates funds for school transportation services for foster children.

