

Date of Hearing: February 6, 2008

Committee: House Human  
Services & Housing

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: H.B. 2051, HD 1, Relating to Education for Foster Children

Purpose: To establish rules for school placement and transportation for foster children.

Department's Position: The Department of Education (Department) supports H.B. 2051, HD 1 to allow foster children to remain in their "school of origin" until the end of the school year. This provision should be applied equitably to high school students.

Under the best circumstances, the decision to remain at the "school of origin" should be a collective agreement among those individuals who are vested in meeting the educational needs of the child. This would include, but not be limited to, social worker, teacher(s), administrator, parent(s) or guardian, and as appropriate the child. It should also be acknowledged that the decision should be made on a case-by-case basis with consideration of the educational, social, emotional, and physical needs of the child.

With respect to the provision of transportation for the foster child, the Department requests additional time to work with the Department of Human Services to identify the number of foster

children who would need transportation and some of the unique circumstances with respect to transportation. Given the geographic expanse of some island communities, it is not inconceivable that a child in Kona might be placed with a foster parent in Hilo. In addition, the Department needs additional time to provide a realistic estimate of annual transportation costs. Nonetheless, it is anticipated that if H.B. 2051, HD 1 becomes law, an appropriation to cover the increase in transportation costs would be necessary.

The Department remains committed to working with other state agencies—the Department of Human Services (DHS) and the Family Court—to ensure that the needs of foster children are appropriately addressed.



**Testimony to the Twenty -Fourth State Legislature, 2008 Session**

House Committee on Education  
The Honorable Roy M. Takumi, Chair  
The Honorable Lyla B. Berg, Ph.D., Vice Chair

Wednesday, February 6, 2008, 2:00 p.m.  
State Capitol, Conference Room 309

by  
Frances Q.F. Wong  
Senior Judge / Deputy Chief Judge  
Family Court, First Circuit

**WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** House Bill No. 2051, H.D. 1, Relating to Education for Foster Children

**Purpose:** To provide educational stability for foster children re school placement and transportation.

**Judiciary's Position:**

The Judiciary takes no position on this measure but offers the following comments.

The proposed language in the new Section 302A-B- School placement decisions for foster children provides that the Department of Education "consult" with various entities, including the Family Court, regarding the school placement of a foster child. If the Family Court has jurisdiction over the minor, the Legislature should consider authorizing the Court to make the placement decision in the absence of agreement by the parties. A Court should not be "consulted" for an agency decision.

Additionally, whether or not the Legislature includes this specific authority, the Legislature may wish to include, within this bill, those children who are placed in foster care placement pursuant to HRS Chapter 571 (i.e., those on status with the Court for law violations).

Thank you for the opportunity to submit testimony on this measure.



LINDA LINGLE  
GOVERNOR



LILLIAN B. KOLLER  
DIRECTOR

HENRY OLIVA  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809

February 6, 2008

MEMORANDUM

TO: Honorable Roy M. Takumi, Chair  
House Committee on Education

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 2051, H.D. 1 - RELATING TO EDUCATION FOR FOSTER  
CHILDREN

Hearing: February 6, 2008, Wednesday, 2:15 p.m.  
Conference Room 309, State Capitol

**PURPOSE:** The purpose of H.B. 2051, H.D. 1, is to allow children who enter foster care pursuant to chapter 587, Hawaii Revised Statutes (HRS), to remain in the school they were attending at the time they entered foster care.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of this bill and respectfully requests that its passage does not replace nor adversely impact the priorities in the Executive Supplemental Budget. The children's continuation in a familiar school setting can provide some constancy and stability when other aspects of their lives are changing due to placement into foster care.

The Department would like to thank the House of Representatives and the House Human Services and Housing

AN EQUAL OPPORTUNITY AGENCY

Committee for their consideration of the Department's previous recommendations which are included in the H.D. 1 of this bill.

DHS defers to the DOE regarding the added costs for the transportation services required by this bill.

Thank you for the opportunity to testify on this measure.

**TESTIMONY IN SUPPORT OF**  
**HB2051 HD1 - RELATING TO EDUCATION OF FOSTER CHILDREN**

February 6, 2008 at 2:00 p.m.

The Legal Aid Society of Hawaii hereby provides testimony to the House Committee on Education on HB2051 HD1 – Relating to Education of Foster Children, in strong support of the bill.

The Legal Aid Society of Hawaii is the largest non-profit provider for direct civil legal services in the State. Further, since 1996, we have assisted over 2,000 children as guardian ad litem on Oahu, Maui, Hawai'i, Moloka'i and Lāna'i, a significant number of whom have aged out in foster custody.

Based on our experience, we believe that this bill is important for ensuring foster children receive a meaningful education. When foster children are removed from their homes, they frequently lose all stability in their life. They are removed from the adults that they know and trust and taken out of their community. This Bill reduces that instability in a crucial area for future success: education.

This bill will provide increased stability for foster children by maintaining them in their schools. Education is a building process. Teachers build on concepts taught throughout the year and those building blocks are different from classroom to classroom. When a child changes schools, they spend a period being the new kid and adjusting to the new rules and new peers. Then, they must try and catch on to the teacher's style and pick up any new concepts that other children already learned in the new classroom. Studies show that this process causes children to fall approximately four to six (4-6) months behind every time they change schools. U.S. Dept of Education, *Report to the President and Congress On the Implementation of the Education for Homeless Children and Youth Program Under the McKinney-Vento Homeless Assistance Act* at 15 (2006). For foster children who sometimes change placement two or more times in a year, they spend all their time being the new kid and none actually learning.

Further, instability of school placement hurts the schools. Frequent turnover in student body makes it difficult for teachers to follow a curriculum and harder for administrators to set high standards as they are always dealing with an influx of new students.

Enacting this bill will reduce stress to foster children from moves, keep them from being cut-off from their community, and provide a modicum of stability in an otherwise unstable life.

For these reasons, we support HB2051 HD1. Thank you for this opportunity to testify.

Sincerely,

Nalani Fujimori  
Deputy Director  
(808) 527-8014

