

Date of Hearing: February 25, 2008

Committee: House Finance

Department: Education  
Person Testifying: Patricia Hamamoto, Superintendent  
Title: H.B. 2051, H.D. 1, H.S.C.R. 283, 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, H.D. 1, H.S.C.R. 283, 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.

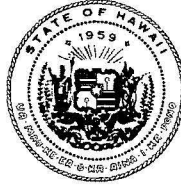
Under the best circumstances, the decision to remain at the "school of origin" should be a collective agreement among those individuals who are vested in meeting the educational needs of the child. This would include, but not be limited to, social worker, teacher(s), administrator, parent(s) or guardian, 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 this bill 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.

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 25, 2008

MEMORANDUM

TO: Honorable Marcus R. Oshiro, Chair  
House Committee on Finance

FROM: Lillian B. Koller, Director

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

Hearing: February 25, 2008, Monday, 10:00 a.m.  
Conference Room 308, 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.

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.

AN EQUAL OPPORTUNITY AGENCY



LINDA LINGLE  
GOVERNOR  
JAMES R. AIONA, JR.  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
HONOLULU, HAWAII 96809  
Phone Number: (808) 586-2850  
Fax Number: (808) 586-2856  
[www.hawaii.gov/dcca](http://www.hawaii.gov/dcca)

LAWRENCE M. REIFURTH  
DIRECTOR  
RONALD BOYER  
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON FINANCE

TWENTY-FOURTH LEGISLATURE  
Regular Session of 2008

Monday, February 25, 2008  
2:45 p.m.

**TESTIMONY ON HOUSE BILL NO. 2151 H.D. 1 – RELATING TO CAPTIVE INSURANCE.**

TO THE HONORABLE MARCUS R. OSHIRO, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is J. P. Schmidt, State Insurance Commissioner (“Commissioner”), testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”). While the Department supports the apparent intent of this bill, which is to lower medical malpractice insurance costs for Hawaii’s medical doctors and increase patient access to efficient and effective medical care, we are strongly opposed to the bill’s proposed approach.

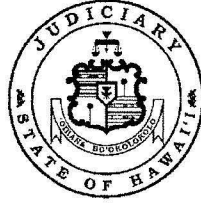
As currently drafted, this bill basically establishes a “new” insurance company to provide medical malpractice insurance coverage to Hawaii doctors in the hope that its costs will be lower than those offered by Hawaii’s commercial insurance companies, and will thus be able to pass along savings to doctors in the form of lower premiums. This approach does NOT address the primary medical malpractice insurance cost driver, the current healthcare liability system which includes a costly and ineffective mechanism for resolving healthcare liability claims and compensating injured patients.

**DCCA Testimony of J.P. Schmidt**  
**H.B. No. 2151 H.D. 1**  
**February 25, 2008**  
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As noted in our testimony in the previous hearing of this bill, the Department strongly supports the comprehensive approach taken in H. B. No. 3102, because it establishes some certainty and predictability to the essential elements that directly impact medical malpractice insurance costs. These elements include: economic damages, and contingent legal fees, as well as definitions of terms such as recovery, medical tort and health care providers. Enhanced predictability of these elements will have the ultimate effect of moderating and even decreasing the cost of medical malpractice insurance for Hawaii's doctors so that Hawaii's citizens will have effective and timely access to medical care.

We strongly urge this committee to replace the approach contemplated by this bill, and replace it with the approach and language of H.B. 3102.

Thank you for the opportunity to testify on this measure.



*The Judiciary, State of Hawaii*

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

House Committee on Finance  
The Honorable Marcus R. Oshiro, Chair  
The Honorable Marilyn B. Lee, Vice Chair

Monday, February 25, 2008, 10:00 a.m.  
State Capitol, Conference Room 308

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

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**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 Judiciary respectfully asks the Legislature to 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. Also, foster placement does not terminate parental rights and the views and concerns of the parents and/or legal guardians should be considered.

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 placement pursuant to HRS Chapter 571 (i.e., those on status with the Court for law violations and status offenses) because these children have similar needs.



House Bill No. 2051, H.D. 1, Relating to Education for Foster Children  
House Committee on Finance  
Monday, February 25, 2008  
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We respectfully propose the following amendments:

1. p. 2, Section 2: Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**§302A- Foster children; school placement; services.** (a) Decisions on where a foster child will be enrolled in school shall be based on the best interests of the child and made in consultation with the parents and/or legal guardians, department of human services, the child's guardian ad litem and, when necessary, the surrogate parent [and the family court]. If the Family Court has jurisdiction over this matter, the Court is authorized to make the final decision, if necessary.

2. p. 4, Section 2:

"Foster child" means a child placed in foster custody or permanent custody of the department of human services pursuant to chapter 587 or those children under chapter 571 who are temporarily or permanently placed outside of the home.

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

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

February 25, 2008 at 10:00 a.m.

The Legal Aid Society of Hawaii hereby provides testimony to the House Committee on Finance 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.

The estimated cost of this bills varies, but we are committed to working with the Department of Human Services and the Department of Education to project realistic figures for the cost of transportation and to work out any necessary amendments to ensure the practicality of this bill (i.e. it is not our intent that DOE provide transportation for a student who is moved to Hilo to live with relatives to provide transportation to Kona on a daily basis).

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

Sincerely,

Nalani Fujimori  
Deputy Director  
527-8014





TO: Committee on Finance  
Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice Chair

FROM: Hawaii Foster Parent Association  
Judith Wilhoite, Executive Director

RE: HB 2051, Relating to Education for Foster Children

HEARING: Monday, February 25, 2008  
10:00 a.m.  
Conference Room 308

The Hawaii Foster Parent Association strongly supports bill HB 2051.

Often times when children and youth who are brought into foster care they must give up everything they hold dear in life including family, friends, home, pets, clothing, neighborhood, church, toys, food, as well as their school. We believe that, in most cases, *it would be extremely beneficial* for children and youth to be able to remain in their school of origin, as it would allow the child to maintain some degree of normalcy in his or her life while helping them stay on track educationally.

We believe that a very important factor for foster children to achieve success in the future is for them to obtain a quality education to the highest degree possible. This bill gives the child a better chance to realize that goal.

Thank you for this opportunity to testify in favor of this bill.