

LATE

March 17, 2008

From: Linda Elento, Member of The Hawaii Down Syndrome Congress

To: COMMITTEE ON EDUCATION
Senator Norman Sakamoto, Chair
Senator Jill N. Tokuda, Vice Chair

COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

Re: EDU/HSP March 17, 2008, 1:15pm
HB2051, HD2

Thank you for the opportunity to present comments for your committees' consideration in favor of SB2051, HD2, and to request that **HRS §302A-1143 be revised in support of all students**, including foster children:

§302A-1143 Attend school in what district. All persons of school age shall be required to attend the school of the district in which they reside, unless enrolled in a Hawaiian language medium education program, or unless it appears to the department to be desirable to allow the attendance of pupils at a school in some other district, in which case the department may grant this permission.
[L 1996, c 89, pt of §2; am L 2004, c 133, §5]

Neither the Hawaii Revised Statutes nor the Department of Education's administrative rules specify *fair* rules in determining what appears to the Department of Education "to be desirable to allow the attendance of pupils at a school in some other district."

GEOGRAPHICAL EXCEPTION

In addition to foster children, **all students**, deserve fair treatment in a school's determination of whether a child may attend or not; with **the adoption of a fair definition of geographical exception** be incorporated into the Hawaii Revised Statutes as well as **a statement that references in accordance with applicable federal laws** (NCLB, IDEA 2004, ADA, Sec. 504):

Children with disabilities, including preschool-aged children with disabilities (eligible preschool-aged children with disabilities are mandated to receive special education, but should



not be limited to the misconception that the child may only receive special education at the home school). Hawaii needs to strongly consider allowing a preschool-aged child to remain in early intervention program until at least the next school semester begins (not requiring these children to transition on their third birthdays only);

Children who are also eligible for special education have a right to ask for a geographical exception to another non-home school, and not be denied based on a home school's decision of a individualized educational plan; if children not eligible for special education are allowed to ask for a GE, than all children should have the right to request a GE. [Reference: KHON 2 News Action Line Report (September 2007) *Parents, DOE disagree about special-needs placement.*]

Homeless children are also protected by federal law;

The *No Child Left Behind Act* protects all students and includes Title I, tutoring services, student choice to request a GE to a better-performing school (per NCLB and Hawaii's Adequate Yearly Progress standards);

Children who are home-schooled may also receive special education services, and should also have a choice to participate in their local school's extracurricular activities as is done in other states which make this possible even though they do not allow for transportation to/from the extracurricular activities as for a regular public education student;

SB2051, HD2 supports a **foster child's** wishes in choice of school, participation in extracurricular activities, and made in consultation with the parents and/or legal guardians.

All of our children deserve this fair treatment via changing the Hawaii Revised Statutes definition of "*Attending what school in what district*" and its implementation through the Hawaii Administrative Rules, and Standard Operation Procedures.