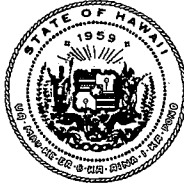


LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

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

January 28, 2008

MEMORANDUM

TO: Honorable Norman Sakamoto, Chair
Senate Committee on Education

Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Public Housing

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 2005 - RELATING TO EDUCATION FOR FOSTER CHILDREN

Hearing: January 28, 2008, Monday, 1:15 p.m.
Conference Room 225, State Capitol

PURPOSE: The purpose of S. B. 2005 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 continuation in a familiar school setting can provide some constancy and stability for children when other aspects of their lives are changing due to placement into foster care.

The Department would suggest some changes to the proposed bill for clarity, as follows:

1) Revise the proposed definitions to read as follows:

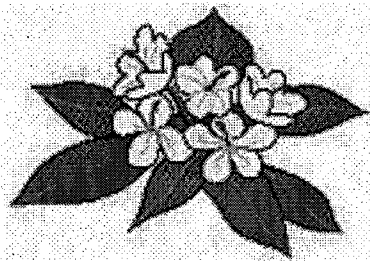
"Foster child" or "child in foster care" means a child placed in the foster custody or permanent custody of the department of human services pursuant to chapter 587."

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

2) The process in proposed section 302-A-B for determining which school the child in foster care is to attend should include consultation with the Department of Human Services and the child's guardian ad litem, and when needed, the Family Court.

3) Section 302A-C(1) only provides for transportation to school, a provision for transportation back to the foster home should also be included.

Thank you for the opportunity to testify on this measure.



S E A C
Special Education Advisory Council

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January 28, 2008

**Special Education
Advisory Council**

**TESTIMONY TO THE HOUSE COMMITTEES ON EDUCATION
AND HUMAN SERVICES & HOUSING**

Ms. Ivalee Sinclair, *Chair*
Mr. Steve Laracuente, *Vice
Chair*

RE: SB 2005 - Relating to Education for Foster Children

Ms. Janet Bamford
Dr. Paul Ban, *Liaison
to the Superintendent*
Ms. Sue Brown
Ms. Deborah Cheeseman
Ms. Phyllis DeKok
Mr. Lee Dean
Ms. Mary Ellis
Ms. Debra Farmer
Ms. Gabriele Finn
Ms. Martha Guinan
Mr. Henry Hashimoto
Ms. Tami Ho
Ms. Barbara Ioli
Ms. Valerie Johnson
Ms. Shanelle Lum
Ms. Rachel Matsunobu
Ms. June Motokawa
Ms. Barbara Pretty
Ms. Susan Rocco, *Ex-officio*
Dr. Patricia Sheehey
Mr. August Suehiro
Ms. Jan Tateishi, *Ex-officio*
Ms. Judy Tonda
Dr. John Viesselman
Ms. Cari White
Ms. Jasmine Williams
Mr. Duane Yee
Mr. Wilfred Young

The Special Education Advisory Council is Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA). Our mandate is to advise the Department of Education regarding the education of all eligible children with disabilities.

SEAC supports the intent of SB 2005 to provide greater stability of educational placements for foster children and transportation services for those students who move out of district but continue enrollment at their school of origin.

SEAC understands that for foster children who receive specially designed instruction or related services through an Individualized Education Program (IEP) there is already an obligation on the part of the Department. Under the Individuals with Disabilities Education Act (IDEA) the Department must consider the unique needs of the student before any change of placement. It is the duty of the IEP team to try to maintain the student at his or her home school, if it is determined to be in the best interest of the student, and to provide transportation as a related service, if appropriate. In making this determination, the IEP team would have to consider any potential danger posed to the student by proximity to abusive or neglectful family members.

SEAC does not presently have data to show the number of foster children with or without disabilities who might be affected by this legislation not the projected costs of transportation for these students.

Sincerely,

Ivalee Sinclair, Chair

Mandated by the Individuals with Disabilities Education Act

TESTIMONY IN SUPPORT OF
SB2005 - RELATING TO EDUCATION OF FOSTER CHILDREN

January 28, 2008

The Legal Aid Society of Hawaii hereby provides testimony to the House Committee on Human Services and Housing on HB2005 – 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 Lana'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 SB2005. Thank you for this opportunity to testify.

Sincerely,

Nalani Fujimori
Deputy Director
527-8014

Date of Hearing: January 28, 2008

Committee: Senate Education/Human Services
and Housing

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: S.B. 2005, Relating to Education for Foster Children

Purpose: Establishes rules far school placement and transportation for foster
children

Department's Position: The Department of Education (Department) supports S.B. 2005 to allow foster children to remain in their "school of origin" until the end of the school year. However, under the best circumstances, the decision 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 would recommend that young children, under the age of 10, not be subjected to rides longer than 30 minutes, from home to school. Additionally, transportation services normally take 5-7 days to arrange, such that temporary transportation arrangements would need

to be made to allow the child to maintain regular school attendance.

Special requests for transportation beyond the regular morning and afternoon pick-ups are more challenging to arrange and are often more costly.

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.