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P. O. Box 339  
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**LATE**

January 28, 2008

MEMORANDUM

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

Honorable Norman Sakamoto, Chair  
Senate Committee on Education

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 2821 - RELATING TO EDUCATION

Hearing: January 28, 2008, Monday, 3:45 p.m.  
Conference Room 225, State Capitol

PURPOSE: The purpose of S. B. 2821 is to allow children who enter foster care pursuant to chapter 587, Hawaii Revised Statutes, to remain in the school they were attending at the time they entered foster care and appropriates TANF funds for school transportation services for foster children

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.

Their continuation in a familiar school setting can provide some constancy and stability for foster 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 302A-1143 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) Regarding this bill's proposal that the Department of Education (DOE) "expend" TANF funds on transportation for these foster children to and from school, please note that TANF funding to provide transportation services to foster children is only allowable if there is a kinship relationship between the foster child and their foster parent(s). Also, please note that DHS cannot transfer TANF Federal funds to the DOE but DHS could

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reimburse DOE's allowable expenditures with TANF funds for eligible children.

4) 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.

Date of Hearing: January 28, 2008

Committee: Senate Education/Human  
Services and Public Housing

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

L A T E

Title: S.B. 2821, Relating to Education

Purpose: 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.

Department's Position: The Department of Education (Department) supports S.B. 2821 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.

TESTIMONY IN SUPPORT OF  
SB2821 - RELATING TO EDUCATION

January 28, 2008 at 3:45 p.m.

The Legal Aid Society of Hawaii hereby provides testimony to the Senate Committees on Education and Human Services & Public Housing on SB2821 – Relating to Education, 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 SB2821. Thank you for this opportunity to testify.

Sincerely,

Nalani Fujimori  
Deputy Director  
527-8014

**LATE**

To: Chair Senator Norman Sakamoto and Vice Chair Senator Jill N. Tokuda and members of the Committee on Education; Chair Senator Suzanne Chun Oakland and Vice Chair Senator Les Ihara, Jr. and the Committee on Human Services and Public Housing

From: Cynthia White, Project Director, Hawaii Foster Youth Coalition.

Re: Bill SB 2821 Relating to Education for Foster Children

Date: January 28, 2008

I support bill SB 2821 with my whole heart and soul. This bill creates stability of school placement and includes transportation services for foster children and youth. I believe this bill will have a major positive impact on foster children.

Here are a few common stories repeated again and again in the lives of foster youth.

Youth in therapeutic foster care seem most vulnerable. A high school senior youth who moved into a therapeutic group home attended a meeting at her new school in late September 2007, which was the third school she had been in during the year of 2007. We were told that they considered her a sophomore because the school had not received nor had time to request records from her other schools that could verify her credits. The teachers and counselors expressed concern about her poor attendance and academic performance. She was discouraged but wanted to be a cheerleader. So she was told that if she improved, she could try out for the team. She made it and competed with her team in November. She finally gained senior status just days before her 18<sup>th</sup> birthday. This youth planned to go live with her biological mother after graduation when she would exit foster care. Then, her mother suddenly died in late November. Devastated, she began missing school and her academic performance quickly declined. Two days before Christmas Eve, she was given one day to move out of the therapeutic home. They evicted her because she was not doing well in school. She was told to go to the homeless shelter. Fortunately, she called her sister, a single parent young mother on welfare, who invited her to live in her home. She had to change schools again and drop out of cheerleading. The numerous changes in school made this youth feel defeated and let down by the system. She said, "no wonder I don't follow through on my commitments because they (meaning DOE and DHS) don't follow through on theirs."

Another disabled high school senior in a wheel chair was moved from a long term placement against his wishes and placed in a therapeutic group home that was not handicap accessible. He had to crawl up the stairs. He turned eighteen a few months before his graduation. Two months from graduation, the staff of the home confiscated all of his belongings, locking them away because he had not done his laundry promptly. Infuriated, the youth discharged himself, dropped out of school, and moved to Hana where he had family. Changing schools in his senior year denied him the loving home in which he had previously been living. The foster parent protested and advocated to have him return to her home to graduate with his friends but her requests were not heard. The youth became depressed, was suicidal, and hopeless but he continued to go to school even though he had to drag himself up the hill from the City bus to Roosevelt High School. This student needed a stronger source of advocacy to be able to graduate with his classmates.

A brother and a sister were attending the same high school. They were moved to a different home out of that school's district. They asked if they could continue at the same school. The sister was allowed to continue because she made good grades. The brother was denied because he had a low academic record. That was the schools decision. This law would not allow the school system to discriminate against students.

A young man was one month away from graduating. He had been at this foster home and school for nearly three years, had excellent grades, and close friendships. In the last month, he had to move to a different foster home and change schools. After this move, he rebelled and was arrested for stealing. He ended up in the detention home and did not graduate, finishing high school later with a GED while on probation.

These are all too common stories. Youth repeatedly talk about having been in nine schools, twelve schools, five schools in two years, and so on. It is easy to see why foster youth drop out, fail, and rebel. So much is taken from them. This bill would not allow schools to discriminate against foster youth. It would protect youth with therapeutic needs, keeping their support systems intact so there are more people to advocate for their needs. It would encourage foster home stability, which is one of the main areas needing improvement. Most importantly, SB 2821 would dramatically improve the academic performance and quality of life for foster youth. It would be an act of mercy to let them keep their schools, giving them something consistent to hold on to that will shape the course of their futures in a positive way. I implore you to vote in favor of SB 2821.

Mahalo,  
Cynthia White, M.A.Ed.  
256-3176



**LATE**

To: Chair Senator Norman Sakamoto and Vice Chair Senator Jill N. Tokuda and members of the Committee on Education  
Chair Senator Suzanne Chun Oakland and Vice Chair Senator Les Ihara, Jr. and the Committee on Human Services and Public Housing

From: Blake Lanoza, 20, Youth Outreach Coordinator and President of the Board, Hawaii Foster Youth Coalition

Re: Bill SB 2821 relating to education

Aloha my name is Blake Lanoza and I am a former foster youth. I grew up with a drug-addicted mother who couldn't hold on to a house or a job. My mother was constantly getting evicted from the apartments and houses that we rented out, so I always had to switch school. When I went to foster care, it was the same thing because I was never in the same school for more than a year. I got used to this lifestyle, but being in the state's custody was supposed to bring stability to my life. I was losing the connections that I had. I am not only talking about friends, but teachers, counselors, and anyone else in my support system.

When I was in my second year of high school, I was taken out of my high school and sent to another school because of my placement. I was taken from the people that I had known for five whole years. Friends, counselors, and teachers were taken out of my life and they were replaced with people that I didn't know and I didn't want to know. I was traumatized because the family I was with didn't care about me and I was separated from my support system. I think that Bill SB 2821 would help foster youth to keep and preserve their permanent connections and come out of care with friends that they can talk to and lean on like everyone else does.

I urge you to help and pass this Bill, SB 2821, because it will assure the survival of lifelong relationships for the people that need it most, the ones without families.

Thank You,

Blake Lanoza  
203-4721