



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/09/2023

Time: 02:30 PM

Location: 309 VIA VIDEOCONFERENCE

Committee: House Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 1045 RELATING TO EDUCATION.

Purpose of Bill: Clarifies that, because minors do not have legal capacity independent of their parents, a minor student's parent or legal guardian must produce the required student records when transferring schools. Clarifies that emancipated minors may also produce the required student records when transferring schools. Clarifies that the transfer process is the same whether a transfer is within the same complex area or to another complex area.

Department's Position:

The Hawaii State Department of Education (Department) supports HB 1045, which clarifies that a parent, legal guardian, or emancipated minor may produce the required student records when transferring schools.

Since minors, except for emancipated minors, do not have legal capacity independent of their parents, the Department views this bill as a housekeeping measure to clarify that a parent or legal guardian would be the appropriate person to provide a certificate of release for a minor student.

However under the McKinney-Vento, unaccompanied homeless youth are not in the physical custody of parent(s)/legal guardian(s) and experiencing unstable housing. McKinney-Vento eligible students, including unaccompanied youth, are entitled to enroll in school immediately, even if the student is lacking documents normally required for enrollment or have missed application or enrollment deadlines. [42 U.S.C. §11432(g)(3)(c)(i)]. Therefore the Department requests that this provision be included after page 2, line 11:

This section shall not apply to McKinney-Vento eligible students, including unaccompanied youth who are not under the physical custody of a parent or legal guardian.

Thank you for the opportunity to provide testimony on HB 1045.