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**STATE TO PROVIDE HOMELESS CHILDREN WITH
EQUAL ACCESS TO PUBLIC EDUCATION**

RESOLUTION IN LANDMARK LAWSUIT WILL BENEFIT THOUSANDS OF HAWAII CHILDREN

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HONOLULU – U.S. District Court Chief Judge Helen Gillmor today approved a settlement agreement in a case brought by a statewide class of homeless children and their parents against the Hawaii Department of Education (“DOE”) and Board of Education (“Board”). The settlement requires the State to provide homeless children with equal access to public education and remove barriers to their educational success.

Alice Greenwood, a homeless advocate and a named Plaintiff, said, “All I ever wanted was for my son to have the same education as everyone else. I hope things will be better now.” Olivé Kaleuati, also a named Plaintiff, agreed: “It’s been a long road, but I’m glad we’ve finally reached an agreement. Hopefully DOE will do its part so that all homeless children will benefit.”

Despite receiving federal monies under the McKinney-Vento Homeless Assistance Act for many years, the Board and DOE had rules, policies, and paperwork that made it extremely difficult for homeless children to receive the same level of education as non-homeless children. The lawsuit charged that Hawaii schools have forced homeless children to change schools multiple times in a single year, denied them the ability to enroll, and refused to allow them access to the safe school transportation services enjoyed by non-homeless students.

The lawsuit, *Kaleuati v. Tonda*, was filed in federal district court in October 2007 by Lawyers for Equal Justice, the American Civil Liberties Union of Hawaii Foundation (“ACLU of Hawaii”), and the law firm Alston Hunt Floyd & Ing. After a series of victories by the Plaintiffs, the Board and DOE chose to settle the case when faced with additional court hearings.

One of the biggest barriers for homeless children has been the lack of transportation to and from school. In the settlement agreement, the DOE and Board agreed to take the long-needed step of running additional school buses on the Leeward Coast, the highest density homeless area in the

State. Where school buses are not available, the DOE will also offer mileage reimbursement for those parents who wish to drive their children to school, supply bus passes for children (and an adult or guardian when the student is too young to travel alone), and/or modify existing school bus routes to pick up homeless children.

Under additional provisions of the settlement, the DOE shall:

- Hire additional homeless liaisons on each island to assist homeless families in navigating the public school system;
- Inform homeless children and families of their rights under the McKinney-Vento Act (most notably, a child's right to remain in her or his current school – and receive transportation to that school – even if the family moves outside of the school district in search of shelter);
- Conduct yearly trainings of school personnel, and make annual site visits to schools and homeless shelters statewide;
- Modify its enrollment forms and computer systems to facilitate the enrollment process and improve attendance for homeless children; and
- Take affirmative steps to avoid stigmatizing homeless families.

William Durham of Lawyers for Equal Justice described the agreement as a big step forward. “We are very happy the State Defendants finally decided to do the right thing for these children. Under this agreement, we shouldn't hear any more stories of children being forced, repeatedly, to change schools, or of children waking up at four in the morning just to get to school on time.”

“We hope that the gaps have been filled and that thousands of children will finally have access to the educational foundation they need to succeed in the future” said Daniel Gluck, ACLU Senior Staff Attorney. “These changes are long overdue.”

Paul Alston, of Alston Hunt Floyd & Ing, said: “The fact that it took a lawsuit and nearly nine months in court to resolve this matter is shameful. The DOE's obligations were clear and the violations were indisputable. This is yet another unfortunate example of the wide gap between the State's rhetoric about improving education and the reality that the administration cannot be trusted to do the right thing for children – especially poor ones.”

Under federal law, a child is considered “homeless” if she lacks a “fixed, regular, and adequate nighttime residence.” This includes children living at shelters (including domestic violence shelters), in parks, at the beach, and in cars. It also includes the “hidden homeless”: the estimated 20,000 children in Hawaii who live “doubled up” with friends or family because their families cannot afford a place of their own.

Olivé Kaleauti described how her two sons, also named Plaintiffs in the case, were proud of what they had done for Hawaii's homeless children: “It hasn't really hit them, how big a deal it is that they've accomplished so much at their age. But I told them what happened, and they said, ‘We just helped all the homeless kids go to school now.’”

For questions about services available to homeless children and their families under the settlement or under the McKinney Vento Act, please contact Judy Tonda, the Statewide Homeless Concerns Resource Teacher, at (808) 394-1394 or (866) 927-9095 (toll-free from the neighbor islands).

Lawyers for Equal Justice (“LEJ”) is a legal aid organization that was created in 2001 to complement existing legal service providers that assist financially disadvantaged people. LEJ engages in legal advocacy, including the bringing of class actions, to assist low income individuals and communities in the enforcement of their rights and the obtaining of benefits under the law or governmental policies and regulations. LEJ also engages in advocacy before local, state and federal agencies in rule or law making proceedings which will affect low income people and focuses on legal education activities to inform low income individuals and groups of their rights.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Alston Hunt Floyd & Ing, one of Hawaii’s largest law firms, represents clients in resolving disputes in federal and state court and other dispute resolution forums. The firm presently represents clients, including substitute teachers and others, in numerous class actions against the State of Hawaii.

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