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## Buses required for homeless students

### State agrees to create Leeward school route to settle federal suit

*By Jim Dooley  
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The state has agreed to settle a federal lawsuit filed last year that alleged homeless children around the state are being denied equal access to public education.

The settlement agreement approved yesterday by U.S. District Court Chief Judge Helen Gillmor requires the state to improve transportation to and from public schools for students living in shelters, cars or on beaches, as well as to improve programs to locate and identify children in need of such services.

Alice Greenwood, a Leeward Coast homeless advocate and one of three residents who sued, said, "All I ever wanted was for my son to have the same education as everyone else. I hope things will be better now."

Olive Kaleuati, who joined the suit on behalf of her two sons, said she was pleased with the agreement.

"Hopefully, DOE will do its part so that all homeless children will benefit," she said, referring to the Department of Education.

The lawsuit was filed last October by the American Civil Liberties Union and two law firms on behalf of three families living in homeless shelters on the Leeward Coast of O'ahu, alleging the DOE failed to provide federally mandated services to homeless children.

"The fact that it took a lawsuit and nearly nine months in court to resolve this matter is shameful," said Paul Alston, one of the lawyers who filed the suit. "The DOE's obligations were clear and the violations were indisputable."

Attorney General Mark Bennett, whose office represented DOE, said many of the improvements and actions required under the settlement agreement have already been implemented.

The agreement says the state will establish a school bus route along the Leeward Coast of O'ahu to run from Makaha to Kapolei in the mornings and in the opposite direction after school.

"This bus shall stop at homeless shelters, beach parks and schools as demand dictates," the settlement said.

State officials are obliged to "undertake best efforts to obtain sufficient funding to maintain this route" from the Legislature and the federal government, the deal signed by all parties said.

The ACLU, in a statement, said the settlement also calls for the DOE to offer mileage reimbursement for parents who wish to drive their children to school in case school buses are not available.

Similar language is used that requires the DOE to find money to hire two full-time homeless liaison officers on O'ahu, one each on Maui and the Big Island and a half-time worker on Kaua'i.

The DOE also agreed to inform homeless children and families that a child is entitled to remain in their

current school even if the family moves out of the school district in search of shelter, to conduct yearly training of school personnel and to change its enrollment forms and computer systems to make it easier for homeless students to enroll, the ACLU said.

## defining factors

The plaintiffs' lawyers noted yesterday that the federal definition of a "homeless" child — one who lacks "fixed, regular, and adequate nighttime residence" — includes some 20,000 children in Hawai'i who live "doubled up" with friends or family because their families cannot afford a place of their own.

At the time the suit was filed, the DOE said it recognized "908 homeless children as enrolled in school, of which there are 532 children living in shelters, 156 unsheltered children, 19 children living 'doubled up' (with other families) and 201 children whose primary nighttime residence is 'unknown.' "

But the ACLU complaint said the actual numbers are larger.

"The precise number of homeless families and children is difficult to calculate due to their mobility, their lack of permanent residence and their reluctance to disclose their housing situation due to the social stigma associated with homelessness," the complaint said.

Bennett said the state already secured legislative appropriations to pay \$185,000 in fees and costs to the attorneys who filed the suit.

The suit, filed by the ACLU, the Lawyers for Equal Justice and the law firm Alston Hunt Floyd & Ing, alleged that the state failed to carry out a section of federal law called the McKinney-Vento Act, which requires state and local school districts to help homeless children receive educational services.

As part of that, the DOE receives more than \$200,000 annually in federal funds specifically earmarked to help transport homeless children to and from schools.

## doe's part

Yesterday's settlement follows a preliminary ruling in the case in February, in which judge Gillmor asked the DOE to change its enrollment procedures so that homeless students can be identified and notified of the assistance they are entitled to receive under the federal law.

The complaint alleged that federal officials in 2006 cited serious shortcomings in the DOE's compliance with the McKinney-Vento Act.

One finding was that a form the DOE requires homeless families to fill out to enroll children in school "is a barrier to immediate enrollment." The federal government also said the DOE does not adequately inform families of their educational rights under federal law and that the state does not adequately monitor compliance with the law.

Federal courts have directly intervened in state government operations in the past as a result of lawsuits filed by the ACLU and other parties.

Federal judges have mandated and overseen improvements in state prisons, mental health programs, the Department of Education and the Hawai'i Youth Correctional Facility.

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