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Hawaii violates equal-access law, ACLU says

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By **Treena Shapiro**
Advertiser Staff Writer

The state violates a federal law that mandates equal access to education for homeless students by making them switch schools when they move and not letting them enroll in new schools without documentation, according to lawyers suing the school system.

Lawyers for Equal Justice and the American Civil Liberties Union of Hawai'i yesterday went to court seeking an order that would immediately stop the state from enforcing laws and policies they claim make it hard for transient students to find stability in their schooling.

The move comes as part of a class-action lawsuit filed on behalf of three homeless families who have to commute for hours or were denied geographic exceptions to keep their children in the same school each time they move.

Olive Kaleuati, whose children had to switch schools when her family moved from one shelter to another a few miles away, said she is a plaintiff in the suit to prevent other children from going through the same situation.

"Homelessness is something where our children suffer," she said at a news conference yesterday. "Just not being able to go to the school where your friends are and the teachers you already got to know through the years (makes it hard to) feel confident as a child and go to school each day and have the education you want."

Department of Education spokesman Greg Knudsen would not comment on the specific case, but said in general he believes schools know that if they have homeless students in their area, they have to let them in.

"The effort has been made to provide access to the most accessible school, being generally the one closest to them," he said.



William Durham, attorney with Lawyers for Equal Justice, and plaintiffs Alice Greenwood, left, and Olive Kaleuati talk about their case against state policies on homeless students' access to public education.

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Alice Greenwood

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The lawsuit alleges that the state is not complying with the federal McKinney-Vento Act and does not adequately inform homeless parents of their rights or monitor compliance with the law. According to the lawsuit, the act requires school districts to allow a homeless child to continue to attend school in the child's "school of origin, or one near the homeless student's current temporary residence, at the parent's option."

If students move two to three times a year and fall behind each time, they aren't going to get an education, said attorney William Durham, with Lawyers for Equal Justice.

"They're going to spend all of their time being the new kid and none of their time learning," Durham said. "These kids need relief now."

Durham said many homeless families don't know that there is a federal law that protects the students from having to switch schools when their living situations change.

"Elementary schools have such a small geographic area that you move across the street and you're in a different area," he said. "For homeless families, they literally could be moving every day. They could be living in a car and live in a different district every night, depending on where they park."

'START ALL OVER AGAIN'

Kaleuati, who lives with three of her five children at the Wai'anae Civic Center shelter, said school policy forced her two youngest children out of the elementary school they'd attended for two years and into one that was slightly closer.

It was a blow to her sons, who had been looking forward to returning to familiar friends and teachers at Leihoku Elementary and ended up enrolling at Kamaile Elementary instead.

"They had to start all over again with new children and a new school. They were at their school for two years and they didn't understand why they had to change," she said.

Now her children go to schools with about 25 other students who live in the shelter and don't want to leave Kamaile, but Kaleuati wants to make sure other children have a choice in the future.

Knudsen said that the lawsuit creates the impression that the DOE has not paid any attention to the homeless problem, which he says is not the case.

"I feel that the department has been an advocate in seeking out homeless students and making certain they have access to education," he said.

He said no students — homeless or not — should be required to switch schools in the middle of the school year because they have moved, although they might need a geographic exception for the following school year.

Glen Kila, principal of Kamaile, said that his school goes out of his way to welcome homeless students and suspects that might be why his enrollment is increasing while nearby schools are losing students.

"We really care. Maybe that's one of the reasons they do prefer coming here, because we do show a lot of aloha," he said.

Students identified as homeless get extra services and are given school supplies and the opportunity to earn clothes and food, he said.

"We don't ask them if they're homeless, we just register them, but if they do mention that they're living in the shelter, we ask them what kind of help we can provide them. It's almost automatic that we provide them the lunch because we want to transition them to the school."

NO TRANSPORTATION

Alice Greenwood, also a plaintiff in the case, prefers to keep her adopted son in a Hawaiian language immersion program at Nanakuli Elementary School, even though it can take up to four hours a day to get him to school on the bus.

She wants the Department of Education to provide transportation for the students who live at the shelters and on beach parks on the Wai'anae Coast, something Durham suggests could be

provided with just a few buses and vans that stop at the beach parks, shelters and area schools.

Greenwood said the commute robs children who live in parks of valuable sunlight, describing how she and her son would arrive back at Ma'ili Beach Park so late that he would have to do his homework in the lighted women's restroom, she said.

Now that they're living at the Wai'anae Civic Center and have a car that usually runs, she said, her son resists going to school on days when he knows it will take two hours to make the seven-mile journey to school. "He thinks, 'Here we go again' and fights when he has to catch the bus," she said.

But she has the option to take him.

Durham said that other parents who are trying to work their way out of homelessness don't have that option. One of the plaintiffs has to be at work at 7 a.m. and can't send her children to school on the city bus.

"The bus is not adequate. It's not supervised. You can't send a 6-year-old to ride the bus to school," Durham said. "The federal law says transport these kids, and that's what we're asking."

Reach Treena Shapiro at tshapiro@honoluluadvertiser.com.

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StoryChat

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