



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 2168, H.D. 1, RELATING TO THE EDUCATION OF STUDENTS EXPERIENCING HOMELESSNESS.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

DATE: Tuesday, February 17, 2026 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi, Deputy Attorney General or Randall M. Wat,
Deputy Attorney General

Chair Marten and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill requires the Department of Education to establish a program to support students experiencing homelessness and designate a state coordinator position and state navigator positions to implement the program.

Section 2 of the bill adds a new section 302A- to subpart C of part II of chapter 302A, Hawaii Revised Statutes (HRS). Section 302A- (e) (page 3, line 14, through page 4, line 2) requires the program to ensure that students experiencing homelessness, including unaccompanied youth, have the right to attend either the school serving the geographic area in which the student is currently residing or the student's school of origin, "regardless of the availability of documentation, including . . . immunization records[.]"

This provision conflicts with section 302A-1154(a), HRS, which provides that no child may attend any school in the State unless the child presents documentation satisfactory to the Department of Health showing that the child has received the required immunizations against communicable diseases. The proposed provision also does not fall within any of the existing exemptions set forth in section 302A-1156, HRS.

House Draft 1 added section 302A- (f) (page 4, line 3, through page 5, line 4), which provides that if a dispute arises over eligibility, school selection, or enrollment, the student shall be immediately enrolled in the school in which enrollment is sought pending final resolution of the dispute, including all available appeals. These amendments align the bill more closely with the federal McKinney-Vento Homeless Assistance Act, which requires immediate enrollment of students experiencing homelessness even if required documentation, including immunization records, is not available.

However, the statutory conflict with section 302A-1154(a), HRS, remains. Section 302A- (f) ensures immediate enrollment only in the context of a dispute, whereas section 302A-1154 applies broadly, including situations in which no formal dispute exists. As a result, without further clarification, the bill could be interpreted as authorizing enrollment in conflict with the immunization requirement.

If the Legislature intends to permit students who lack immunization documentation to immediately enroll in school, the bill should be amended to resolve this statutory conflict. Specifically, the Department recommends clarifying that students experiencing homelessness or unaccompanied youth shall be immediately enrolled even if immunization documentation is not available, provided that compliance with section 302A-1154, HRS, occurs within a reasonable period consistent with existing provisional attendance requirements.

Because section 302A-1155, HRS, already establishes a statutory framework for provisional attendance, including compliance timelines and public health safeguards, the Department recommends that the Legislature consider amending section 302A-1155 to expressly apply to students experiencing homelessness or unaccompanied youth who lack immunization documentation at the time of enrollment. Alternatively, the Legislature may amend section 302A-1154 or section 302A-1156, or add a conforming provision to the new subpart of chapter 302A referencing section 302A-1155. The Department would be happy to assist the Committee in developing any clarifying amendments.

Thank you for the opportunity to provide comments on this bill.



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

Date: 02/17/2026

Time: 09:30 AM

Location: 329 VIA VIDEOCONFERENCE

Committee: HSH

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB2168, HD1, RELATING TO THE EDUCATION OF STUDENTS EXPERIENCING HOMELESSNESS.

Purpose of Bill: Requires the Department of Education to establish a program for the support of students experiencing homelessness. Requires the Department to designate a state coordinator position and state navigator positions to implement the program. Effective 7/1/3000. (HD1)

Department's Position:

The Hawai'i State Department of Education (Department) supports HB2168, HD1, which codifies and strengthens educational stability and access for students experiencing homelessness. The measure advances equitable access to education by addressing barriers to enrollment, attendance, and academic success that students without stable housing face.

HB2168, HD1 establishes a coordinated statewide framework to identify, enroll, and support these students, including a state coordinator, navigator positions, and complex-area liaisons to ensure effective implementation. The bill affirms students' rights to immediate enrollment, school stability, transportation, and full access to educational programs and activities, and provides a clear dispute resolution process to safeguard continuity of learning. By formalizing these protections in statute, the bill promotes consistent, timely, and equitable educational services for Hawai'i's most vulnerable students.

Thank you for the opportunity to provide testimony on this measure.

Opportunity for Youth Action Hawai'i

KAWAIILOA

February 15, 2026

House Committee on Human Services & Homelessness

Hearing Time: 9:30AM

Location: House Conference Room 329

Re: HB2168 HD1, Relating to the Education of Students Experiencing Homelessness

Aloha e Chair Marten, Vice Chair Olds and members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **strong support of HB2168 HD1, relating to the education of students experiencing homelessness**. This bill will require the Department of Education to establish a program for the support of students experiencing homelessness and designate a state coordinator position and state navigator positions to implement the program.

Homelessness continues to affect many communities across Hawai'i. It is especially harmful for children and youth. Homeless youth tend to experience mental health problems, substance use, victimization, criminalization, and unsafe sexual practices. Homelessness can also create significant barriers and harms for youth, hindering their ability to re-assimilate into society, depressing their motivation, and reducing their chances of becoming independent, successful, contributing members of society.

Particularly in education, the lack of a permanent, stable, and adequate residence directly disrupts homeless students' educational experience. Homeless students often face enrollment, consistent attendance, and academic success barriers when they must worry about securing a safe place to live. Homeless students find themselves moving from place to place because securing long-term, affordable, and adequate housing, especially housing that provides a stable and conducive environment for learning, is difficult. Balancing these challenges while attending school is extremely difficult.

Current federal law provides students experiencing homelessness with specific rights and protections designed to reduce educational barriers, including those related to enrollment and participation. However, given ongoing uncertainty at the federal level, it is critical that additional measures be put in place to safeguard children's rights, benefits, and protections, and to ensure their continued availability regardless of changes in federal policy.

By creating a program to support homeless students' needs, HB2168 HD1 gives them the opportunity to fully participate in school and thrive academically, rather than worrying about housing. This bill prioritizes the needs of students experiencing homelessness by providing additional supports and rights. These include the designation of a state coordinator to oversee the program, with state navigators to assist; the right to attend either the school serving the geographic area in which they reside or their school of origin, regardless of documentation; the right to choose a school that is in the student's best interest and that prioritizes educational stability; access to available educational programs and services; training for individuals involved in program implementation; guidelines for resolving disputes over school eligibility, selection, or enrollment; and the allocation of federal funds to support the program's implementation.

Opportunity for Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs.

Judith F. Clark
48-218 Kamehameha Highway
808-499-9966
Judithforceclark@gmail.com
Kaneohe, Hawaii 96744

February 12, 2026

To: Representative Lisa Marten, Chair,
And members of the Committee on Human Services and Homelessness

**Testimony in Support of HB 2168 HD 1 Relating to the Education of Students
Experiencing Homelessness**

As a community advocate, a homeless youth service provider for 25 years, and a person with lived experience of youth homelessness, I strongly support HB 2168 HD 1.

Homeless students experience many challenges and barriers in obtaining educational services. The supports and services mandated by the federal McKinney-Vento Act and implemented in Hawaii Schools through the Education for Homeless Children and Youth Office enable many homeless students to participate in school.

This bill will ensure that these critically needed services will continue even if federal mandates and funding are ended. This bill provides a safety net for our most vulnerable children and youth.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH

HB-2168-HD-1

Submitted on: 2/13/2026 5:51:19 PM

Testimony for HSH on 2/17/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

We need to support homeless students. Experiencing such a crisis at such a young age has a negative impact on personal growth and development. This legislation is tailor made to address this issue. I urge the committee to **SUPPORT** this bill!

HB-2168-HD-1

Submitted on: 2/14/2026 11:09:22 PM

Testimony for HSH on 2/17/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laula Faapouli	Individual	Support	Written Testimony Only

Comments:

February 14, 2026

House Committee on Human Services and Homelessness

HB2168

Support

Dear Chair Marten, Vice Chair Olds and members of the committee,

My name is Laulā Fa’apouli and I am providing testimony as a constituent of Hawai’i. I support this bill because of the prevalence of homelessness in our communities. The majority of where I travel on O’ahu, I always spot at least a couple of people who are homeless, trying their best to survive without shelter. My empathy, and privilege is what has brought me to provide this testimony. They are not random people, they are my neighbors, and they deserve as much access to education as anyone else.

As measures are taken to ensure that our keiki grow into competent and empathetic individuals, it is important to increase and stabilize their access to education.

Overall, I am in support of this bill because our neighbors experiencing homelessness deserve to receive an education.

Fa’afetai lava for the opportunity to provide testimony.

Aloha e Chair and Committee,

My name is Leilani Alaimaleata, and I am a Masters of Social Work student at University of Hawaii at Manoa. I testify in support of HB2168, which relates to the education and support of students experiencing homelessness.

The purpose of this measure is to ensure educational stability and access for students experiencing homelessness by requiring the Department of Education to establish a formal program to identify, enroll, and support these students, regardless of future changes to federal law or funding. Specifically, this bill establishes district coordinator and navigator positions, strengthens interagency and community coordination, ensures immediate enrollment and access to transportation and services, and formalizes at the state level the protections currently provided under federal law.

As a soon-to-be social worker, I believe this bill is critical in removing barriers to education for children experiencing homelessness. I have experience working as a school social work intern in Flagstaff, Arizona, where I met many students who would have benefited from a program like this.

One child in particular stands out to me. After their mother died in a car accident and their father was incarcerated, custody was granted to an aunt who later experienced homelessness due to overwhelming medical debt. If a program like this had been in place, this child could have attended a school located near employment opportunities for their aunt. Instead, they were required to remain enrolled in the same district, limiting their family's ability to stabilize their housing and income.

This bill would help prevent situations like this by prioritizing both educational continuity and family stability.

Mahalo nui for the opportunity to testify.