
A BILL FOR AN ACT

RELATING TO KINDERGARTEN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that many studies show
2 the importance of early childhood education. A federal
3 Department of Education study reports that all kindergarteners
4 increase their knowledge and skills regardless of how much they
5 knew prior to enrollment. Kindergarteners are expected to and
6 often do leave kindergarten knowing how to read and write.
7 First graders who did not go to kindergarten are typically
8 behind their peers in their academic and social development and
9 are more likely to fail a grade in elementary school. Despite
10 these compelling findings, kindergarten attendance is not
11 mandatory in the State.

12 The purpose of this Act is to enhance the educational
13 achievement of Hawaii's youth by making kindergarten attendance
14 mandatory.

15 SECTION 2. Section 302A-411, Hawaii Revised Statutes, is
16 amended by amending subsections (a) and (b) to read as follows:



1 (a) The department shall establish and maintain
2 kindergartens with a program of instruction as a part of the
3 public school system; provided that:

4 (1) Attendance in kindergarten shall ~~[not]~~ be
5 mandatory~~[+]~~, unless exempted by subsection (b) or
6 section 302A-1132; and

7 (2) Charter schools shall not be excluded from mandatory
8 participation in the program.

9 (b) Beginning with the 2014-2015 school year, any parent,
10 guardian, or other person having the responsibility for, or care
11 of, a child who will be at least five years of age on or before
12 July 31 of the school year ~~[may attend a public school~~
13 ~~kindergarten.]~~ shall enroll the child in a public school
14 kindergarten unless the child is enrolled at a private school or
15 the child's attendance is otherwise exempt under section 302A-
16 1132."

17 SECTION 3. Section 302A-1132, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "~~[+]~~**§302A-1132**~~[+]~~ **Attendance compulsory; exceptions.** (a)
20 Unless excluded from school or excepted from attendance, all
21 children who will have arrived at the age of at least ~~[six]~~ five
22 years~~[7]~~ on or before July 31 of the school year, and who will



1 not have arrived at the age of eighteen years, by January 1 of
2 any school year, shall attend either a public or private school
3 for, and during, the school year, and any parent, guardian, or
4 other person having the responsibility for, or care of, a child
5 whose attendance at school is obligatory shall send the child to
6 either a public or private school. Attendance at a public or
7 private school shall not be compulsory in the following cases:

- 8 (1) Where the child is physically or mentally unable to
9 attend school (deafness and blindness excepted), of
10 which fact the certificate of a duly licensed
11 physician shall be sufficient evidence;
- 12 (2) Where the child, who has reached the fifteenth
13 anniversary of birth, is suitably employed and has
14 been excused from school attendance by the
15 superintendent or the superintendent's authorized
16 representative, or by a family court judge;
- 17 (3) Where, upon investigation by the family court, it has
18 been shown that for any other reason the child may
19 properly remain away from school;
- 20 (4) Where the child has graduated from high school;
- 21 (5) Where the child is enrolled in an appropriate
22 alternative educational program as approved by the



1 superintendent or the superintendent's authorized
2 representative in accordance with the plans and
3 policies of the department, or notification of intent
4 to home school has been submitted to the principal of
5 the public school that the child would otherwise be
6 required to attend in accordance with department rules
7 adopted to achieve this result; or

8 (6) Where:

9 (A) The child has attained the age of sixteen years;

10 (B) The principal has determined that:

11 (i) The child has engaged in behavior which is
12 disruptive to other students, teachers, or
13 staff; or

14 (ii) The child's non-attendance is chronic and
15 has become a significant factor that hinders
16 the child's learning; and

17 (C) The principal of the child's school, and the
18 child's teacher or counselor, in consultation
19 with the child and the child's parent, guardian,
20 or other adult having legal responsibility for or
21 care of the child, develops an alternative
22 educational plan for the child. The alternative



1 educational plan shall include a process that
2 shall permit the child to resume school.
3 The principal of the child's school shall file the
4 plan made pursuant to subparagraph (C) with the
5 child's school record. If the adult having legal
6 responsibility for or care of the child disagrees with
7 the plan, then the adult shall be responsible for
8 obtaining appropriate educational services for the
9 child.

10 (b) Any employer who employs a child who is excused from
11 school attendance in accordance with subsection (a)(2) shall
12 notify the child's school within three days upon termination of
13 the child's employment.

14 (c) Beginning with the 2014-2015 school year, any parent,
15 guardian, or other person having the responsibility for, or care
16 of, a child who will be at least five years of age on or before
17 July 31 of the school year shall enroll the child in a public
18 school kindergarten unless the child is enrolled at a private
19 school or the child's attendance is otherwise exempt under this
20 section."

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2014.



Report Title:

Kindergarten

Description:

Makes kindergarten mandatory for children who will be at least five years of age on July 31 of the school year, unless otherwise exempt. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

