A BILL FOR AN ACT

RELATING TO KINDERGARTEN.

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

PART I

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

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

SECTION 2. Section 302A-411, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:
"(a) The department shall establish and maintain junior kindergartens and kindergartens with a program of instruction as a part of the public school system; provided that:

1. Attendance in kindergarten shall [not] be mandatory[+], unless exempted by section 302A-1132; and

2. Charter schools shall be excluded from mandatory participation in the program."

2. By amending subsection (c) to read:

"(c) [Beginning with the 2004-2005 school year, a child who will be at least five years of age on or before December 31 of the school year may attend a public school kindergarten.]

Beginning with the 2006-2007 school year, a child who will be at least five years of age on or before August 1 of the school year may attend a public school kindergarten.] Beginning with the 2006-2007 school year, a child who will be at least five years of age after August 1 and before January 1 of the school year may attend a public school junior kindergarten. Beginning with the [2013-2014] 2014-2015 school year, a child who will be at least five years of age on [the first day of instruction may] or before July 31 of the school year shall attend a public or private school kindergarten[+], unless exempted by section 302A-
1132. Any parent, guardian, or other person having the responsibility for, or care of, a child whose attendance at kindergarten is mandatory under this section shall enroll the child in either a public or private school kindergarten."

SECTION 3. Section 302A-411, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

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

(1) Attendance in kindergarten shall [not] be mandatory[-], unless exempted by section 302A-1132; and

(2) Charter schools shall be excluded from mandatory participation in the program.

(b) Beginning with the 2014-2015 school year, a child who will be at least five years of age on or before July 31 of the school year [may] shall attend a public or private school kindergarten[-], unless exempted by section 302A-1132. Any parent, guardian, or other person having the responsibility for, or care of, a child whose attendance at kindergarten is mandatory under this section shall enroll the child in either a public or private school kindergarten."
SECTION 4. Section 302A-1132, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Unless excluded from school or excepted from attendance, all children who will have arrived at the age of at least [six] five years[7] on or before July 31 of the school year, and who will not have arrived at the age of eighteen years, by January 1 of any school year, shall attend either a public or private school for, and during, the school year, and any parent, guardian, or other person having the responsibility for, or care of, a child whose attendance at school is obligatory shall send the child to either a public or private school. Attendance at a public or private school shall not be compulsory in the following cases:

(1) Where the child is physically or mentally unable to attend school (deafness and blindness excepted), of which fact the certificate of a duly licensed physician shall be sufficient evidence;

(2) Where the child, who has reached the fifteenth anniversary of birth, is suitably employed and has been excused from school attendance by the superintendent or the superintendent's authorized representative, or by a family court judge;
(3) Where, upon investigation by the family court, it has been shown that for any other reason the child may properly remain away from school;

(4) Where the child has graduated from high school;

(5) Where the child is enrolled in an appropriate alternative educational program as approved by the superintendent or the superintendent's authorized representative in accordance with the plans and policies of the department, or notification of intent to home school has been submitted to the principal of the public school that the child would otherwise be required to attend in accordance with department rules adopted to achieve this result; or

(6) Where:

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

(B) The principal has determined that:

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

   (ii) The child's non-attendance is chronic and has become a significant factor that hinders the child's learning; and
(C) The principal of the child's school, and the child's teacher or counselor, in consultation with the child and the child's parent, guardian, or other adult having legal responsibility for or care of the child, develops an alternative educational plan for the child. The alternative educational plan shall include a process that shall permit the child to resume school. The principal of the child's school shall file the plan made pursuant to subparagraph (C) with the child's school record. If the adult having legal responsibility for or care of the child disagrees with the plan, then the adult shall be responsible for obtaining appropriate educational services for the child."

PART II

SECTION 5. The legislature finds that gathering valuable information about a child's knowledge, skills, and abilities when the child enters kindergarten engages and empowers parents to assist in their children's learning processes and supports educators in developing meaningful and culturally responsive instruction for the child. Act 13, Session Laws of Hawaii 2002, SB2768 SD2 LRB 14-1521-1.doc
resulted in the development of the Hawaii state school readiness
assessment to collect information on children's readiness for
school and schools' readiness for children upon entry into
kindergarten. The information gathered from the results of the
Hawaii state school readiness assessment, although valuable,
assesses the readiness of the majority of a class rather than an
individual child.

The legislature further finds that information about the
individual child is essential for two reasons:

(1) It provides teachers and educators with specific
information about each child that would allow them to
tailor curriculum and practices to meet the learning
needs of each child; and

(2) It provides key stakeholders with data that would
allow them to track learning experiences across the
educational agencies.

The legislature further finds that a uniform kindergarten
assessment process can provide valuable feedback to early
learning programs engaged in quality and culturally responsive
early learning improvement efforts, as well as to parents and
families about their child's learning and development, support
cross-systems communication, and promote seamless transitions to
kindergarten for children and families. It is not the intent of
the legislature to use the assessment to prevent a child's
access into kindergarten.

Meeting the needs of families, communities, and schools to
work effectively to prepare children for school and improve
school readiness will help ensure children are on track for
continued growth and learning.

The purpose of this part is to:

(1) Require the department of education, in collaboration
with the executive office on early learning, to
develop a uniform statewide individualized
kindergarten readiness process; and

(2) Require the department of education, to establish an
individualized kindergarten readiness assessment tool
that would replace the Hawaii state school readiness
assessment with more meaningful, individualized data,
and reduce the need for, and cost of, assessments that
individual schools are purchasing or developing.

SECTION 6. (a) The department of education, in
collaboration with the executive office on early learning, shall
develop a statewide individualized kindergarten readiness
process to collect information and data made available through
the individualized kindergarten readiness assessment tool established pursuant to subsection (b).

(b) There is established, within the department of education, an individualized kindergarten readiness assessment tool. The assessment tool shall:

1. Cover the child's developmental continuum from birth through the end of kindergarten;
2. Measure child development across multiple domains of growth, including language, literacy, mathematics, and cognitive, physical, and social-emotional development;
3. Align with Hawaii early learning and development standards and the state common core standards for kindergarten;
4. Be appropriate for use with all children, including those of various cultural and linguistic backgrounds;
5. Employ valid and reliable assessment data;
6. Provide useful, valid, and reliable information for its intended purposes;
7. Have the functionality to link to the statewide longitudinal data system;
8. Have the functionality to be used as an ongoing formative assessment tool; and
(9) Be administered during the first months of a child's entry to kindergarten.

(c) Subject to the availability of funds, the assessment tool shall include:

(1) Annual child subscription for all kindergarten students in Hawaii public schools, including charter schools;

(2) Training and ongoing technical assistance to department of education kindergarten teachers, including kindergarten teachers at charter schools, in alignment with any existing teacher induction and mentoring programs; and

(3) Technology and device support for the successful implementation of the assessment tool, including the creation of an online account for each participating child.

(d) Beginning with the 2015-2016 school year, all kindergarten classes within the department of education, including charter schools, shall adopt the assessment tool; provided that a parent may choose to exempt their child from the assessment tool.
(e) The department of education may adopt interim rules to carry out the purposes of this part without regard to chapter 91, Hawaii Revised Statutes; provided that:

1. The department of education shall hold at least one public hearing prior to the adoption of interim rules;
2. The interim rules shall comply with all applicable state and federal laws; and
3. The interim rules shall be effective for no more than one year after their adoption.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2014-2015 for the administration, training, technology, and support necessary for the establishment of the individualized kindergarten readiness assessment tool pursuant to section 6 of this Act and to establish four full-time equivalent (4.0 FTE) positions within the department of education for professional development and training of kindergarten teachers.

The sum appropriated shall be expended by the department of education for the purposes of this Act.
PART III

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2050; provided that sections 3 and 7 shall take effect on July 1, 2050.
Report Title:
Kindergarten; Early Learning; School Readiness; Individualized Assessments; Appropriation

Description:
Makes kindergarten mandatory for children who will be at least five years of age on July 31 of the school year. Requires the department of education, in collaboration with the executive office on early learning, to develop a statewide kindergarten readiness program. Establishes an individualized kindergarten readiness assessment tool. Makes an appropriation to the department of education. Effective 7/1/2050. (SD2)

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