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# A BILL FOR AN ACT

RELATING TO EDUCATION.

**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. Kindergartners are expected to and  
6 typically 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. A  
10 resolution in support of mandatory kindergarten in Hawaii was  
11 debated, voted upon, and passed by student leaders at the 2005  
12 Hawaii Secondary Student Conference. Despite these compelling  
13 findings, kindergarten attendance is not mandatory in the State  
14 of Hawaii.

15           The purpose of this Act is to enhance learning by lowering  
16 the compulsory education age from six years to five years and to  
17 make attendance in kindergarten mandatory.



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

3 1. By amending subsection (a) to read:

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

7 (1) Attendance in junior kindergarten shall not be  
8 mandatory; and

9 (2) New century charter schools and new century conversion  
10 charter schools shall be excluded from mandatory  
11 participation in the program."

12 2. By amending subsection (c) to read:

13 "(c) [~~Beginning with the 2004-2005 school year, a child~~  
14 ~~who will be at least five years of age on or before December 31~~  
15 ~~of the school year may attend a public school kindergarten.~~  
16 ~~Beginning with the 2006-2007 school year, a child who will be at~~  
17 ~~least five years of age on or before August 1 of the school year~~  
18 ~~may attend a public school kindergarten.] Unless excluded from  
19 school or excepted from attendance, all children who will have  
20 arrived at the age of at least five years as provided in this  
21 subsection shall attend either a public or private school  
22 kindergarten. During the school year, any parent, guardian, or~~



1 other person having the responsibility for, or care of, a child  
 2 whose attendance at kindergarten is obligatory shall send the  
 3 child to either a public or private school kindergarten.

4 Beginning with the 2006-2007 school year, a child who will be at  
 5 least five years of age after August 1 and before January 1 of  
 6 the school year may attend a public school junior kindergarten."

7 SECTION 3. Section 302A-1132, Hawaii Revised Statutes, is  
 8 amended by amending subsection (a) to read as follows:

9 "(a) Unless excluded from school or excepted from  
 10 attendance, all children who will have arrived at the age of at  
 11 least [~~six~~] five years, and who will not have arrived at the age  
 12 of eighteen years, by January 1 of any school year, shall attend  
 13 either a public or private school, including a kindergarten,  
 14 for, and during, the school year[~~, and any~~]. Any parent,  
 15 guardian, or other person having the responsibility for, or care  
 16 of, a child whose attendance at school is obligatory shall send  
 17 the child to either a public or private school. Attendance at a  
 18 public or private school shall not be compulsory in the  
 19 following cases:

- 20 (1) Where the child is physically or mentally unable to
- 21 attend school (deafness and blindness excepted), of

- 1           which fact the certificate of a duly licensed  
2           physician shall be sufficient evidence;
- 3           (2) Where the child, who has reached the fifteenth  
4           anniversary of birth, is suitably employed and has  
5           been excused from school attendance by the  
6           superintendent or the superintendent's authorized  
7           representative, or by a family court judge;
- 8           (3) Where, upon investigation by the family court, it has  
9           been shown that for any other reason the child may  
10          properly remain away from school;
- 11          (4) Where the child has graduated from high school;
- 12          (5) Where the child is enrolled in an appropriate  
13          alternative educational program as approved by the  
14          superintendent or the superintendent's authorized  
15          representative in accordance with the plans and  
16          policies of the department, or notification of intent  
17          to home school has been submitted to the principal of  
18          the public school that the child would otherwise be  
19          required to attend in accordance with department rules  
20          adopted to achieve this result; or
- 21          (6) Where:
- 22             (A) The child has attained the age of sixteen years;

1 (B) The principal has determined that:

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

5 (ii) The child's non-attendance is chronic and  
6 has become a significant factor that hinders  
7 the child's learning; and

8 (C) The principal of the child's school, and the  
9 child's teacher or counselor, in consultation  
10 with the child and the child's parent, guardian,  
11 or other adult having legal responsibility for or  
12 care of the child, develops an alternative  
13 educational plan for the child. The alternative  
14 educational plan shall include a process that  
15 shall permit the child to resume school.

16 The principal of the child's school shall file the  
17 plan made pursuant to subparagraph (C) with the  
18 child's school record. If the adult having legal  
19 responsibility for or care of the child disagrees with  
20 the plan, then the adult shall be responsible for  
21 obtaining appropriate educational services for the  
22 child."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon approval.

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**Report Title:**

School Attendance; Mandatory Kindergarten

**Description:**

Lowers the compulsory education age from 6 to 5 years old, making attendance in kindergarten mandatory.

