
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. In December of
3 2000, a federal department of education study reported that many
4 kindergartners increase their knowledge and skills regardless of
5 how much they knew prior to enrollment. Kindergartners are
6 expected to and do leave kindergarten knowing how to read and
7 write. First graders who did not go to kindergarten are
8 typically behind their peers in their academic and social
9 development and are more likely to fail a grade in elementary
10 school. Despite these compelling findings, kindergarten
11 attendance is not mandatory in the State of Hawaii.

12 The purpose of this Act is to enhance learning by lowering
13 the compulsory education age from six years to five years, and
14 making attendance in kindergarten mandatory.

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

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



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

4 ~~(1) Attendance shall not be mandatory; and~~

5 ~~(2) New] new century charter schools and new century~~
6 conversion charter schools shall be excluded from
7 mandatory participation in the program."

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

9 "(c) Unless excluded from school or excepted from
10 attendance, all children who will be at least five years of age
11 as provided in this subsection shall attend either a public or
12 private school kindergarten or be home schooled. During the
13 school year, any parent, guardian, or other person having the
14 responsibility for, or care of, a child whose attendance at
15 kindergarten is obligatory shall send the child to either a
16 public or private school kindergarten. Beginning with the 2004-
17 2005 school year, a child who will be at least five years of age
18 on or before December 31 of the school year may attend a public
19 school kindergarten. Beginning with the 2006-2007 school year,
20 a child who will be at least five years of age on or before
21 August 1 of the school year [~~may~~] shall attend [~~a public school~~]
22 kindergarten. Beginning with the 2006-2007 school year, a child

1 who will be at least five years of age after August 1 and before
2 January 1 of the school year may attend a public school junior
3 kindergarten."

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

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

- 17 (1) Where the child is physically or mentally unable to
18 attend school (deafness and blindness excepted), of
19 which fact the certificate of a duly licensed
20 physician shall be sufficient evidence;
- 21 (2) Where the child, who has reached the fifteenth
22 anniversary of birth, is suitably employed and has



1 been excused from school attendance by the
2 superintendent or the superintendent's authorized
3 representative, or by a family court judge;

4 (3) Where, upon investigation by the family court, it has
5 been shown that for any other reason the child may
6 properly remain away from school;

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

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

17 (6) Where:

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

19 (B) The principal has determined that:

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



1 (ii) The child's non-attendance is chronic and
2 has become a significant factor that hinders
3 the child's learning; and

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

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

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2006.

2

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SB2106

Report Title:

School Attendance; Mandatory Kindergarten

Description:

Lowers the compulsory education age from six to five years old.
Makes attendance in kindergarten mandatory.

