
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. Kindergarteners are expected to and
6 do leave kindergarten knowing how to read and write. First
7 graders who did not go to kindergarten are typically behind
8 their peers in their academic and social development and are
9 more likely to fail a grade in elementary school. Despite these
10 compelling findings, kindergarten attendance is not mandatory in
11 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 to
14 make attendance in kindergarten mandatory.

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

17 "**§302A-411 Junior kindergarten and kindergarten program;**
18 **establishment; attendance.** (a) The department shall establish



1 and maintain junior kindergartens and kindergartens with a
2 program of instruction as a part of the public school system;
3 provided that:

4 (1) [~~Attendance~~] Junior kindergarten attendance shall not
5 be mandatory; and

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

8 (b) The department shall establish a two-tier junior
9 kindergarten and kindergarten program to support the range of
10 developmental abilities of children in junior kindergarten and
11 kindergarten. Any school may move students between junior
12 kindergarten and kindergarten as the school deems appropriate.
13 Junior kindergarten students may graduate directly to grade one.
14 The program shall include any or all of the following models:

15 (1) Classrooms composed exclusively of either junior
16 kindergarten or kindergarten students;

17 (2) Coordination with public, private, or public-private
18 entities to address the needs of junior kindergarten-
19 eligible students within the school's community; and

20 (3) The blending of junior kindergarten and kindergarten
21 students in a single classroom.



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

4 Beginning with the 2006-2007 school year, a child who will be at
5 least five years of age on or before August 1 of the school year
6 may attend a public school kindergarten. Beginning with the
7 2006-2007 school year, a child who will be at least five years
8 of age after August 1 and on or before [January 1] December 31
9 of the school year may attend a public school junior
10 kindergarten. Beginning with the 2011-2012 school year, a child
11 who is not excluded from school or excepted from compulsory
12 attendance pursuant to section 302A-1132 and who will be at
13 least five years of age on or before December 31 of any school
14 year shall attend a public or private school kindergarten. Any
15 parent, guardian, or other person having the responsibility for,
16 or care of, a child whose attendance at kindergarten is
17 mandatory under this section shall send the child to either a
18 public or private school kindergarten.

19 (d) Effective August 1, 2011, a child who:

20 (1) Will be at least five years of age on or before
21 December 31 of any school year; and



1 (2) Is enrolled in an appropriate alternative educational
2 program or in home school pursuant to section 302A-
3 1132(a)(5),
4 shall be exempt from mandatory kindergarten attendance under
5 this section; provided that any child so exempt shall
6 successfully pass a standardized admission test approved by the
7 board as a prerequisite to entering grade one in a public
8 school.

9 [~~(d)~~] (e) The department may accept gifts to establish and
10 maintain junior kindergartens and kindergartens."

11 SECTION 3. Section 302A-1132, Hawaii Revised Statutes, is
12 amended by amending its title and subsection (a) to read as
13 follows:

14 "~~[§]~~**§302A-1132**~~[§]~~ **Attendance compulsory; exceptions.** (a)
15 Unless excluded from school or excepted from attendance, all
16 children who will have arrived at the age of at least ~~[six]~~ five
17 years, and who will not have arrived at the age of eighteen
18 years, ~~[by January 1]~~ on or before December 31 of any school
19 year, shall attend either a public or private school, including
20 kindergarten, for, and during, the school year~~[, and any]~~. Any
21 parent, guardian, or other person having the responsibility for,
22 or care of, a child whose attendance at school is obligatory



1 shall send the child to either a public or private school.
2 Attendance at a public or private school shall not be compulsory
3 in the following cases:

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

8 (2) Where the child, who has reached the fifteenth
9 anniversary of birth, is suitably employed and has
10 been excused from school attendance by the
11 superintendent or the superintendent's authorized
12 representative, or by a family court judge;

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

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

17 (5) Where the child is enrolled in an appropriate
18 alternative educational program as approved by the
19 superintendent or the superintendent's authorized
20 representative in accordance with the plans and
21 policies of the department, or notification of intent
22 to home school has been submitted to the principal of



1 the public school that the child would otherwise be
2 required to attend in accordance with department rules
3 adopted to achieve this result; [ø] provided that a
4 child who:

5 (A) Is excepted from compulsory attendance under this
6 paragraph; and

7 (B) Will be at least six years of age on or before
8 December 31 of any school year,

9 shall successfully pass a standardized admission test
10 approved by the board as a prerequisite to entering
11 grade one in a public school; and

12 (6) Where:

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

14 (B) The principal has determined that:

15 (i) The child has engaged in behavior [~~which~~]

16 that is disruptive to other students,

17 teachers, or staff; or

18 (ii) The child's non-attendance is chronic and

19 has become a significant factor that hinders

20 the child's learning; and

21 (C) The principal of the child's school, and the

22 child's teacher or counselor, in consultation



1 with the child and the child's parent, guardian,
2 or other adult having legal responsibility for or
3 care of the child, develops an alternative
4 educational plan for the child. The alternative
5 educational plan shall include a process that
6 shall permit the child to resume school.

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

14 SECTION 4. The board of education shall establish a task
15 force to develop a standardized admission test, including test
16 materials, forms, and grading methods, and educational and
17 informational material for prospective students and their family
18 or guardian, to be administered to any child who did not attend
19 kindergarten in public or private school as a prerequisite to
20 entering first grade in public school. The task force shall
21 complete all matters necessary to implement the standardized
22 admission test to enable a qualified child to enter first grade



1 in a public school by school year 2011-2012. The task force
2 shall cease to exist on December 31, 2011.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon approval;
6 provided that section 3 shall take effect on July 1, 2011.

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INTRODUCED BY:

[Handwritten signatures]
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JAN 23 2009



Report Title:

School Attendance; Mandatory Kindergarten

Description:

Lowers the compulsory education age from 6 to 5 years old, making attendance in kindergarten mandatory. Requires children who are home-schooled or enrolled in alternative school programs to pass a test prior to entering the first grade.

