

JAN 22 2010

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. 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 a junior kindergarten program shall not
8 be mandatory; and

9 (2) Charter schools shall be excluded from mandatory
10 participation in the junior kindergarten program."

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

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

15 Beginning with the ~~[2006-2007]~~ 2010-2011 school year, a child

16 who is not attending a private school or kindergarten who will

17 ~~[be at least]~~ have arrived at the age of five years ~~[of age]~~ on



1 or before August 1 of the school year [may] shall attend a
2 public school kindergarten. Beginning with the [~~2006-2007~~]
3 2010-2011 school year, a child who will be at least five years
4 of age after August 1 and before January 1 of the school year
5 may attend a public school junior kindergarten."

6 SECTION 2. Section 302A-1132, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

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

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



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



- 1 (i) The child has engaged in behavior which is
- 2 disruptive to other students, teachers, or
- 3 staff; or
- 4 (ii) The child's non-attendance is chronic and
- 5 has become a significant factor that hinders
- 6 the child's learning; and
- 7 (C) The principal of the child's school, and the
- 8 child's teacher or counselor, in consultation
- 9 with the child and the child's parent, guardian,
- 10 or other adult having legal responsibility for or
- 11 care of the child, develops an alternative
- 12 educational plan for the child. The alternative
- 13 educational plan shall include a process that
- 14 shall permit the child to resume school.

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



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Education

Description:

Amends law to require that children who are at least 5 years of age on or before August 1 of the school year attend a public school kindergarten.

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