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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. Many studies show the importance of early  
2 childhood education. A federal Department of Education study  
3 reports that all kindergarteners increase their knowledge and  
4 skills regardless of how much they knew prior to enrollment.  
5 Kindergarteners are expected to and often do leave kindergarten  
6 knowing how to read and write. First graders who did not go to  
7 kindergarten are typically behind their peers in their academic  
8 and social development and are more likely to fail a grade in  
9 elementary school. Despite these compelling findings,  
10 kindergarten attendance is not mandatory in the state.

11           The purpose of this Act is to enhance the educational  
12 achievement of Hawaii's youth by lowering the compulsory  
13 education age from six years to five years and to make  
14 kindergarten attendance 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 junior kindergarten 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. Schools shall not move students between junior  
12 kindergarten and kindergarten, except in cases where the  
13 movement is warranted and based on appropriate assessments  
14 determined by:

15 (1) A qualified teacher with early childhood education  
16 background or experience; and

17 (2) The formative and summative assessment of a student's  
18 academic, physical, social, and emotional  
19 abilities[~~τ~~];

20 provided that, beginning with the 2010-2011 school year, the  
21 department shall use successful assessment tools and protocols  
22 for determining a student's initial placement and for decision



1 making about a student's movement between tiers and into grade  
2 one. Junior kindergarten students may graduate directly to  
3 grade one when promotion is based on appropriate assessments and  
4 other progress data collected over time.

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

8 Beginning with the 2006-2007 school year, a child who will be at  
9 least five years of age on or before August 1 of the school year  
10 may attend a public school kindergarten. Beginning with the  
11 2006-2007 school year, a child who will be at least five years  
12 of age after August 1 and on or before [January 1] December 31  
13 of the school year may attend a public school junior

14 kindergarten. [~~Beginning with the 2013-2014 school year, a~~  
15 ~~child who will be at least five years of age on the first day of~~  
16 ~~instruction may attend a public school kindergarten.~~] Beginning

17 with the 2012-2013 school year, a child who is not excluded from  
18 school or excepted from compulsory attendance pursuant to  
19 section 302A-1132 and who will be at least five years of age on  
20 or before December 31 of any school year shall attend a public  
21 or private school kindergarten. Any parent, guardian, or other  
22 person having the responsibility for, or care of, a child whose



1 attendance at kindergarten is mandatory under this section shall  
2 send the child to either a public or private school  
3 kindergarten.

4 (d) Effective August 1, 2012, a child who:

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

7 (2) Is enrolled in an appropriate alternative educational  
8 program or in home school pursuant to section 302A-  
9 1132(a)(5),

10 shall be exempt from mandatory kindergarten attendance under  
11 this section; provided that any child so exempted shall  
12 successfully pass a standardized admission test approved by the  
13 board as a prerequisite to entering grade one in a public  
14 school.

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

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

19 "(a) Unless excluded from school or excepted from  
20 attendance, all children who will have arrived at the age of at  
21 least ~~[six]~~ five years, and who will not have arrived at the age  
22 of eighteen years, ~~[by January 1]~~ on or before December 31 of



1 any school year, shall attend either a public or private school,  
2 including kindergarten, for, and during, the school year[~~—and~~  
3 ~~any~~]. Any parent, guardian, or other person having the  
4 responsibility for, or care of, a child whose attendance at  
5 school is obligatory shall send the child to either a public or  
6 private school. Attendance at a public or private school shall  
7 not be compulsory in the following cases:

- 8 (1) Where the child is physically or mentally unable to  
9 attend school (deafness and blindness excepted), of  
10 which fact the certificate of a duly licensed  
11 physician shall be sufficient evidence;
- 12 (2) Where the child, who has reached the fifteenth  
13 anniversary of birth, is suitably employed and has  
14 been excused from school attendance by the  
15 superintendent or the superintendent's authorized  
16 representative, or by a family court judge;
- 17 (3) Where, upon investigation by the family court, it has  
18 been shown that for any other reason the child may  
19 properly remain away from school;
- 20 (4) Where the child has graduated from high school;
- 21 (5) Where the child is enrolled in an appropriate  
22 alternative educational program as approved by the



1 superintendent or the superintendent's authorized  
2 representative in accordance with the plans and  
3 policies of the department, or notification of intent  
4 to home school has been submitted to the principal of  
5 the public school that the child would otherwise be  
6 required to attend in accordance with department rules  
7 adopted to achieve this result; ~~[or]~~ provided that a  
8 child who:

9 (A) Is excepted from compulsory attendance under this  
10 paragraph; and

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

13 shall successfully pass a standardized admission test  
14 approved by the board as a prerequisite to entering  
15 grade one in a public school; and

16 (6) Where:

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

18 (B) The principal has determined that:

19 (i) The child has engaged in behavior ~~[which]~~  
20 that is disruptive to other students,  
21 teachers, or 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. The board of education shall establish a task  
20 force to develop a standardized admission test, including test  
21 materials, forms, and grading methods, and educational and  
22 informational material for prospective students and their



# H.B. NO. 97

1 parent, guardian, or family, to be administered to any child who  
2 did not attend kindergarten in public or private school, as a  
3 prerequisite to entering first grade in public school. The task  
4 force shall complete all matters necessary to implement the  
5 standardized admission test to enable a qualified child to enter  
6 first grade in a public school by the 2012-2013 school year.  
7 The task force shall cease to exist on December 31, 2012.

8 SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval;  
11 provided that section 3 shall take effect on July 1, 2012.

12

INTRODUCED BY: \_\_\_\_\_



JAN 20 2011





**Report Title:**

Mandatory Kindergarten Attendance

**Description:**

Makes attendance in kindergarten mandatory and lowers the compulsory education age from six to five years old. Requires children who are home-schooled or enrolled in alternative school programs for kindergarten to pass a standardized test approved by the Board of Education prior to entering first grade in a public school.

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