
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.

10 The purpose of this Act is to enhance the educational
11 achievement of Hawaii's youth by requiring that all children
12 ages four to six years be assessed prior to entrance to the
13 first grade.

14 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§302A- Entrance to first grade; assessment. (a)
18 Beginning with the 2014-2015 school year, a child between four



1 and six years of age on or before August 1 of the school year
2 who has attended a kindergarten program pursuant to section
3 302A-411 or a private kindergarten program shall be assessed
4 prior to entrance to first grade. The assessment shall be
5 conducted by a qualified teacher with an early childhood
6 education background to certify that the child is prepared to
7 enter the first grade.

8 (b) All assessments conducted pursuant to subsection (a)
9 by a private kindergarten program shall be certified by the
10 Hawaii Association of Independent Schools or the early learning
11 council prior to a child's entrance to the first grade.

12 (c) Beginning with the 2014-2015 school year, as a
13 prerequisite to entering first grade, a child who will be at
14 least five years of age on or before August 1 of the school year
15 who did not attend any type of kindergarten program shall be
16 assessed by qualified department of education personnel to
17 ensure the child is prepared to enter the first grade. Based on
18 the results of the assessment, the child shall be placed in the
19 academically appropriate grade."

20 SECTION 3. Section 302A-411, Hawaii Revised Statutes, is
21 amended by amending subsections (b) and (c) to read as follows:



1 "(b) The department shall establish a two-tier junior
2 kindergarten and kindergarten program to support the range of
3 developmental abilities of children in junior kindergarten and
4 kindergarten. Schools shall not move students between junior
5 kindergarten and kindergarten, except in cases where the
6 movement is warranted and based on appropriate assessments
7 determined by:

8 (1) A qualified teacher with early childhood education
9 background or experience; and

10 (2) The formative and summative assessment of a student's
11 academic, physical, social, and emotional
12 abilities [7];

13 provided that, beginning with the ~~[2010-2011]~~ 2014-2015 school
14 year, ~~[the department shall use successful assessment tools and~~
15 ~~protocols for determining a student's initial placement and for~~
16 ~~decision making about a student's movement between tiers and~~
17 ~~into grade one. Junior] junior kindergarten students may
18 graduate directly to grade one ~~[when promotion is based on~~
19 ~~appropriate assessments and other progress data collected over~~
20 ~~time] if the students meet the requirements of section 302A- .~~~~

21 (c) ~~[Beginning with the 2004-2005 school year, a child who~~
22 ~~will be at least five years of age on or before December 31 of~~



1 ~~the school year may attend a public school kindergarten.]~~
2 Beginning with the 2006-2007 school year, a child who will be at
3 least five years of age on or before August 1 of the school year
4 may attend a public school kindergarten. Beginning with the
5 2006-2007 school year, a child who will be at least five years
6 of age after August 1 and on or before [January 1] December 31
7 of the school year may attend a public school junior
8 kindergarten. Beginning with the 2013-2014 school year, a child
9 who will be at least five years of age on the first day of
10 instruction may attend a public school kindergarten."

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

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



1 public or private school shall not be compulsory in the
2 following cases:

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



1 required to attend in accordance with department rules
2 adopted to achieve this result; or

3 (6) Where:

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

5 (B) The principal has determined that:

6 (i) The child has engaged in behavior [~~which~~]
7 that is disruptive to other students,
8 teachers, or staff; or

9 (ii) The child's non-attendance is chronic and
10 has become a significant factor that hinders
11 the child's learning; and

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

20 The principal of the child's school shall file the
21 plan made pursuant to subparagraph (C) with the
22 child's school record. If the adult having legal



1 responsibility for or care of the child disagrees with
2 the plan, then the adult shall be responsible for
3 obtaining appropriate educational services for the
4 child."

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

7 SECTION 6. This Act shall take effect upon its approval;
8 provided that sections 2 and 3 shall take effect on July 1,
9 2014.

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Report Title:

Mandatory Kindergarten Attendance

Description:

Beginning with the 2014-2015 school year, requires children who attend public or private kindergarten programs to be assessed by an early learning educator at the kindergarten prior to entering first grade to ensure the child is qualified to enter the first grade. Requires any assessment conducted by a private kindergarten program to be certified by the Hawaii Association of Independent Schools or the early learning council. Requires children who do not attend kindergarten to be assessed by the department of education prior to entering first grade in a public school. (SD1)

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