

JAN 26 2011

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 302A-1132, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Unless excluded from school or excepted from
4 attendance, all children who will have arrived at the age of at
5 least six years, and who will not have arrived at the age of
6 eighteen years, by January 1 of any school year, shall attend
7 either a public or private school for, and during, the school
8 year, and any parent, guardian, or other person having the
9 responsibility for, or care of, a child whose attendance at
10 school is obligatory shall send the child to either a public or
11 private school[-]; provided that the department shall establish
12 minimum attendance requirements, including the minimum number of
13 instructional days that a public student shall attend to be
14 eligible for promotion to the next grade level or for
15 graduation. Attendance at a public or private school shall not
16 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



1 which fact the certificate of a duly licensed
2 physician shall be sufficient evidence;

3 (2) Where the child, who has reached the fifteenth
4 anniversary of birth, is suitably employed and has
5 been excused from school attendance by the
6 superintendent or the superintendent's authorized
7 representative, or by a family court judge;

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

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

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

21 (6) Where:

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




1 (B) The principal has determined that:
2 (i) The child has engaged in behavior which is
3 disruptive to other students, teachers, or
4 staff; or
5 (ii) The child's non-attendance is chronic and
6 has become a significant factor that hinders
7 the child's learning; and
8 (C) The principal of the child's school, and the
9 child's teacher or counselor, in consultation
10 with the child and the child's parent, guardian,
11 or other adult having legal responsibility for or
12 care of the child, develops an alternative
13 educational plan for the child. The alternative
14 educational plan shall include a process that
15 shall permit the child to resume school.
16 The principal of the child's school shall file the
17 plan made pursuant to subparagraph (C) with the
18 child's school record. If the adult having legal
19 responsibility for or care of the child disagrees with
20 the plan, then the adult shall be responsible for
21 obtaining appropriate educational services for the
22 child."



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

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

4

INTRODUCED BY: 

By Request



Report Title:

Education; Minimum Attendance; Graduation Requirement

Description:

Requires the Department of Education to establish a minimum number of days a public school student must attend school to be eligible for graduation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

