
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 to read as follows:

3 "**§302A-411 Junior kindergarten and kindergarten program;**
4 **establishment; attendance.** (a) The department shall establish
5 and maintain junior kindergartens and kindergartens with a
6 program of instruction as a part of the public school system;
7 provided that:

8 (1) Attendance in a junior kindergarten program shall not
9 be mandatory; and

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

12 (b) The department shall establish a two-tier junior
13 kindergarten and kindergarten program to support the range of
14 developmental abilities of children in junior kindergarten and
15 kindergarten. Schools shall not move students between junior
16 kindergarten and kindergarten, except in cases where the
17 movement is warranted and based on appropriate assessments
18 determined by:



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

3 (2) The formative and summative assessment of a student's
4 academic, physical, social, and emotional abilities,
5 provided that, beginning with the 2010-2011 school year, the
6 department shall use successful assessment tools and protocols
7 for determining a student's initial placement and for decision
8 making about a student's movement between tiers and into grade
9 one. Junior kindergarten students may graduate directly to
10 grade one when promotion is based on appropriate assessments and
11 other progress data collected over time.

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

15 Beginning with the [~~2006-2007~~] 2012-2013 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 or
18 before August 1 of the school year [~~may~~] shall attend a public
19 school kindergarten. Beginning with the [~~2006-2007~~] 2012-2013
20 school year, a child who will be at least five years of age
21 after August 1 and before January 1 of the school year may
22 attend a public school junior kindergarten. Beginning with the



1 2013-2014 school year, a child who will be at least five years
2 of age on the first day of instruction may attend a public
3 school kindergarten.

4 (d) The department may accept gifts to establish and
5 maintain junior kindergartens and kindergartens."

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

8 "[~~§302A-1132~~] **Attendance compulsory; exceptions.** (a)
9 Unless excluded from school or excepted from attendance, all
10 children who will have arrived at the age of at least [~~six~~] five
11 years, and who will not have arrived at the age of eighteen
12 years[~~7~~] on or before August 1 of any school year by January 1
13 of any school year, shall attend either a public or private
14 school for, and during, the school year, and any parent,
15 guardian, or other person having the responsibility for, or care
16 of, a child whose attendance at school is obligatory shall send
17 the child to either a public or private school. Attendance at a
18 public or private school shall not be compulsory in the
19 following cases:

20 (1) Where the child is physically or mentally unable to
21 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."

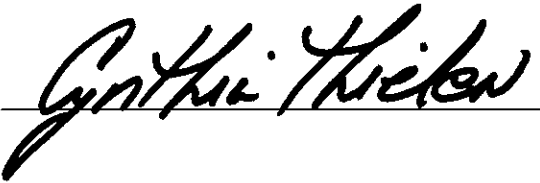


H.B. NO. 1)

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.
4
5

INTRODUCED BY:



JAN 19 2011



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.

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

