
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that students with high
2 truancy rates have been found to be at risk of dropping out of
3 school. It has also been reported that approximately eighty to
4 eighty-nine per cent of prison inmates have indicated that they
5 had been truants.

6 The purpose of this Act is to emphasize the importance of
7 school attendance by students and the need for parents or
8 guardians of students to ensure that their children attend
9 school as required by law.

10 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
11 amended by adding a new section to read as follows:

12 "§302A- Truant students; notification requirements. (a)
13 Any student who is truant shall be reported to the principal of
14 the school that the student is attending and the appropriate
15 complex area superintendent.

16 (b) When a student is truant, the school district shall
17 notify the student's parent or guardian, using the most cost-



1 effective method, if possible, including electronic mail or
2 telephone, that:

3 (1) The student is truant;

4 (2) The parent or guardian is responsible for ensuring the
5 attendance of the student at school, and that any
6 parent or guardian who fails to meet this
7 responsibility may be guilty of a violation and
8 subject to penalties pursuant to section 302A-1135;

9 (3) Alternative educational programs are available in the
10 district;

11 (4) The parent or guardian has the right to meet with
12 appropriate school personnel to discuss solutions to
13 the student's truancy;

14 (5) The student may be subject to penalties under section
15 302A-1135;

16 (6) The student may be subject to suspension, restriction,
17 or delay of the student's driving privileges under
18 chapter 286; and

19 (7) The parent or guardian may be required to accompany
20 the student to school and attend classes with the
21 student for one day."



1 SECTION 3. Section 302A-101, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 ""Truant" means any student subject to compulsory full-time
5 education or compulsory continued education who is absent from
6 school without a valid excuse for three full days, tardy or
7 absent for longer than any thirty-minute period during the
8 school day without a valid excuse on three occasions in one
9 school year, or both."

10 SECTION 4. Section 302A-1135, Hawaii Revised Statutes, is
11 amended to read as follows:

12 ~~"[+]§302A-1135[+]—Penalty.]~~ Penalties. (a) If any child
13 of school age persists in absenting oneself from school, the
14 family court judge, upon a proper petition, citation, or
15 complaint being made by the schoolteacher or any other officer
16 or agent of the department, or police officer, or any other
17 person, shall cause the child, and the father or mother,
18 guardian, or other person having charge of the child, to be
19 summoned to appear before the judge. Upon its being proved that
20 the person responsible for the child had not used proper
21 diligence to enforce the child's regular attendance at school,
22 the responsible party shall be ~~[guilty of a petty misdemeanor.]~~



1 found in violation of this section. This section shall not
2 apply to any child not liable to compulsory attendance at
3 school.

4 (b) Any parent, guardian, or other person who violates
5 this section, unless excused or exempted therefrom, shall be
6 subject to the following penalties:

7 (1) For a first violation, by a fine of not more than
8 \$100;

9 (2) For a second violation, by a fine of not more than
10 \$250;

11 (3) For a third or subsequent violation:

12 (A) By a fine of not more than \$500; or

13 (B) If the person has wilfully refused to comply with
14 the court's orders under this section, by a fine
15 of not more than \$750.

16 The court may allow a person subject to a fine under this
17 section to pay the fine by a specific date or in installments.

18 In lieu of imposing the fines prescribed in paragraphs (1) to
19 (3), the court may order the person to participate in a parent

20 education and counseling program. All costs associated with

21 participating in a parent education and counseling program shall

22 be paid by the person violating this section. If a person fails



1 to make a scheduled payment or fails to participate in a parent
2 education and counseling program as ordered, the court shall
3 order the person to appear before the court and shall notify the
4 person that failure to appear shall be punishable as contempt.

5 (c) The court may order any person who is subject to
6 subsection (b) to immediately enroll or reenroll the student in
7 the appropriate school or educational program and provide proof
8 of enrollment to the court. Wilful violation of an order under
9 this subsection shall be punishable as civil contempt with a
10 fine of not more than \$1,000. An order of contempt under this
11 section shall not include imprisonment.

12 (d) Any student who is reported as truant pursuant to
13 section 302A- may be required to attend make up classes
14 conducted on one day of a weekend and shall be subject to the
15 following:

16 (1) The first time in a school year that a student is
17 reported as truant, the student may be personally
18 given a written warning by a law enforcement officer,
19 as defined in section 710-1000. The law enforcement
20 officer shall send a copy of the written warning to
21 the truant's school. A record of the written warning
22 may be kept at the school that the student is



1 attending for a period of not less than two years, or
2 until the student graduates or transfers from the
3 school. If the student transfers to another school,
4 the record may be forwarded to any school that
5 receives the student's school records. A record of
6 the written warning may be maintained by the
7 respective police department in accordance with that
8 police department's policies and procedures;

9 (2) The second time in the same school year that a student
10 is reported as truant, the student may be assigned by
11 the school principal to an afterschool or weekend
12 study program located within the same county as the
13 school. If the student fails to successfully complete
14 the assigned study program, the student shall be
15 subject to paragraph (3);

16 (3) The third time in the same school year that a student
17 is reported as truant, the school principal may
18 require the student to attend a truancy mediation
19 program or a comparable program deemed acceptable by
20 the school complex area superintendent. If the
21 student does not successfully complete the truancy



1 mediation program or other similar program, the
2 student shall be subject to paragraph (4);

3 (4) The fourth time in the same school year that a student
4 is reported as truant, the student shall appear before
5 the family court, which may determine the student to
6 be a ward of the court. If the student is deemed a
7 ward of the court, the student shall be required to do
8 one or more of the following:

9 (A) Perform court-approved community services
10 sponsored by a private or public nonprofit agency
11 for not less than twenty hours but not more than
12 forty hours over a period of not more than ninety
13 days, during a time other than the student's
14 hours of attending school or employment. The
15 private or public nonprofit agency shall report
16 to the court the student's compliance with this
17 subparagraph;

18 (B) Pay a fine of not more than \$100 for which the
19 student's parent or guardian may be jointly
20 liable;

21 (C) Attend a court-approved truancy prevention
22 program; or



1 (D) Be subject to suspension or revocation of driving
2 privileges."

3 SECTION 5. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

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

8 SECTION 7. This Act shall take effect upon its approval.

9

INTRODUCED BY:



JAN 12 2012



H.B. NO. 1732

Report Title:

Education; Truancy; Penalties

Description:

Requires the notification of a parent or guardian that a child is truant and that the student and parent or guardian may face certain penalties for the truancy. Defines "truant". Provides civil penalties for truant students and parents or guardians.

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

