

JAN 21 2011

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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. Section 302A-411, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) The department shall establish and maintain junior  
5 kindergartens and kindergartens with a program of instruction as  
6 a part of the public school system; provided that:

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

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

11 2. By amending subsection (c) to read:

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

15 Beginning with the ~~[2006-2007]~~ 2011-2012 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

18 or before August 1 of the school year ~~[may]~~ shall attend a



1 public school kindergarten. Beginning with the [2006-2007]  
2 2011-2012 school year, a child who will be at least five years  
3 of age after August 1 and before January 1 of the school year  
4 may attend a public school junior kindergarten. Beginning with  
5 the 2013-2014 school year, a child who is not attending a  
6 private school or kindergarten who will be at least five years  
7 of age on the first day of instruction [~~may~~] shall attend a  
8 public school kindergarten."

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

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



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



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



1           obtaining appropriate educational services for the  
2           child."

3           SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Will Sykes

*[Handwritten signature]*  
R.W.R.  
Dennis [unclear]



**Report Title:**

Education

**Description:**

Requires children who are not attending a private school or kindergarten and who are at least 5 years of age on August 1 of the school year to 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.*

