



**GOV. MSG. NO. 1176**

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

May 1, 2014

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

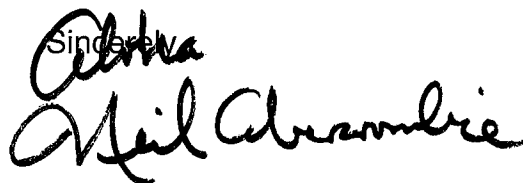
The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on May 1, 2014, the following bill was signed into law:

SB2768 SD2 HD2 CD1

RELATING TO KINDERGARTEN  
**ACT 076 (14)**

*Sincerely,*  


NEIL ABERCROMBIE  
Governor, State of Hawaii

RECEIVED  
SENATE  
OFFICE OF THE PRESIDENT

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Approved by the Governor

on     MAY    1    2014    

THE SENATE  
TWENTY-SEVENTH LEGISLATURE, 2014  
STATE OF HAWAII

**ACT 076**  
**S.B. NO.**

2768  
S.D. 2  
H.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO KINDERGARTEN.

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

1           SECTION 1. The legislature finds that many studies show  
2 the importance of early childhood education. A federal  
3 Department of Education study reports that all kindergarteners  
4 increase their knowledge and skills regardless of how much they  
5 knew prior to enrollment. Kindergarteners are expected to and  
6 often do leave kindergarten knowing how to read and write.  
7 First graders who did not go to kindergarten are typically  
8 behind their peers in their academic and social development and  
9 are more likely to fail a grade in elementary school. Despite  
10 these compelling findings, kindergarten attendance is not  
11 mandatory in the State.

12           The purpose of this Act is to enhance the educational  
13 achievement of Hawaii's youth by making kindergarten attendance  
14 mandatory.

15           SECTION 2. Section 302A-411, Hawaii Revised Statutes, is  
16 amended by amending subsections (a) and (b) to read as follows:



1           "(a) The department shall establish and maintain  
2 kindergartens with a program of instruction as a part of the  
3 public school system; provided that:

4           (1) Attendance in kindergarten shall ~~[not]~~ be  
5           mandatory~~[+]~~, unless exempted by subsection (b) or  
6           section 302A-1132; and

7           (2) Charter schools shall not be excluded from mandatory  
8           participation in the program.

9           (b) Beginning with the 2014-2015 school year, any parent,  
10 guardian, or other person having the responsibility for, or care  
11 of, a child who will be at least five years of age on or before  
12 July 31 of the school year ~~[may attend a public school~~  
13 ~~kindergarten.]~~ shall enroll the child in a public school  
14 kindergarten unless the child is enrolled at a private school or  
15 the child's attendance is otherwise exempt under section 302A-  
16 1132."

17           SECTION 3. Section 302A-1132, Hawaii Revised Statutes, is  
18 amended to read as follows:

19           "~~[+]~~**§302A-1132**~~[+]~~ **Attendance compulsory; exceptions.** (a)  
20 Unless excluded from school or excepted from attendance, all  
21 children who will have arrived at the age of at least ~~[six]~~ five  
22 years~~[+]~~ on or before July 31 of the school year, and who will



1 not have arrived at the age of eighteen years, by January 1 of  
2 any school year, shall attend either a public or private school  
3 for, and during, the school year, and any parent, guardian, or  
4 other person having the responsibility for, or care of, a child  
5 whose attendance at school is obligatory shall send the child to  
6 either a public or private school. Attendance at a public or  
7 private school shall not be compulsory in the following cases:

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



1 superintendent or the superintendent's authorized  
2 representative in accordance with the plans and  
3 policies of the department, or notification of intent  
4 to home school has been submitted to the principal of  
5 the public school that the child would otherwise be  
6 required to attend in accordance with department rules  
7 adopted to achieve this result; or

8 (6) Where:

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

10 (B) The principal has determined that:

11 (i) The child has engaged in behavior which is  
12 disruptive to other students, teachers, or  
13 staff; or

14 (ii) The child's non-attendance is chronic and  
15 has become a significant factor that hinders  
16 the child's learning; and

17 (C) The principal of the child's school, and the  
18 child's teacher or counselor, in consultation  
19 with the child and the child's parent, guardian,  
20 or other adult having legal responsibility for or  
21 care of the child, develops an alternative  
22 educational plan for the child. The alternative



1 educational plan shall include a process that  
2 shall permit the child to resume school.

3 The principal of the child's school shall file the  
4 plan made pursuant to subparagraph (C) with the  
5 child's school record. If the adult having legal  
6 responsibility for or care of the child disagrees with  
7 the plan, then the adult shall be responsible for  
8 obtaining appropriate educational services for the  
9 child.

10 (b) Any employer who employs a child who is excused from  
11 school attendance in accordance with subsection (a)(2) shall  
12 notify the child's school within three days upon termination of  
13 the child's employment.

14 (c) Beginning with the 2014-2015 school year, any parent,  
15 guardian, or other person having the responsibility for, or care  
16 of, a child who will be at least five years of age on or before  
17 July 31 of the school year shall enroll the child in a public  
18 school kindergarten unless the child is enrolled at a private  
19 school or the child's attendance is otherwise exempt under this  
20 section."

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



1 SECTION 5. This Act shall take effect on July 1, 2014.

APPROVED this 1 day of MAY, 2014

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a horizontal line under the name.

GOVERNOR OF THE STATE OF HAWAII