
A BILL FOR AN ACT

RELATING TO COMPULSORY KINDERGARTEN.

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

1 SECTION 1. The legislature finds that kindergarten is a
2 necessary step in the development of a solid learning
3 foundation. Research shows that providing a high quality
4 education for young children yields significant long-term
5 benefits, such as increases in high school graduation rates,
6 improvements in performance on standardized tests, and decreases
7 in the number of children placed in special education. From
8 improved academic outcomes, to the economic savings to schools
9 and the State, the benefits of providing high-quality education
10 to young children are irrefutable.

11 The legislature further finds that significant educational
12 and social preparedness disparities exist between students who
13 have attended kindergarten and those who have not, and that
14 "early learning experiences prepare students to flourish once
15 they enter the public school system." (House Standing Committee
16 Report No. 979 on Senate Bill No. 1093, March 15, 2013).

17 Act 169, Session Laws of Hawaii 2013 (Senate Bill No.



1 1093), emphasizes that kindergarten students are expected to
2 master the grade level common core state standards, and that in
3 order to meet those expectations, "the State must commit to
4 efforts to promote school readiness." The Act further states
5 that only forty per cent of kindergarten classes had the
6 majority of their students entering the 2012-2013 school year
7 with school behaviors and skills, and even fewer demonstrated
8 the necessary approaches to learning.

9 The importance of child preparedness, early learning, and
10 school readiness are not disputed. However, recent school
11 readiness and early childhood education legislation seek only to
12 prepare children for entry into kindergarten through pre-
13 kindergarten programs, but do not make kindergarten attendance
14 compulsory. Pre-kindergarten attendance is simply not
15 sufficient for subsequent entry into the first grade.
16 Kindergarten serves as the entry point to the entire public
17 school system, and in order to effectively ensure that children
18 are ready to advance in their education, kindergarten attendance
19 must be a prerequisite.

20 It is the duty of the legislature to ensure that all



1 children, regardless of location, income level, or any other
2 obstacle they may face, are afforded an education that will
3 facilitate academic success, rather than academic struggle.

4 The intent of the legislature is to extend compulsory
5 education to include kindergarten, and to ensure that all
6 children, regardless of their ability to attend preschool, are
7 adequately prepared to begin their elementary education.

8 The purpose of this Act is to:

- 9 (1) Make kindergarten attendance mandatory for children
10 who are at least five years of age on or before July
11 31 of the school year, except for home-schooled
12 children; and
13 (2) Lower the age for compulsory school attendance from
14 six years to five years.

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

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

- 20 (1) Attendance shall ~~[not]~~ be mandatory; and
21 (2) Charter schools shall be excluded from mandatory
22 participation in the program.



1 (b) Beginning with the [~~2014-2015~~] 2015-2016 school year,
2 a child who will be at least five years of age on July 31 of the
3 school year [~~may~~] shall attend a public school kindergarten[~~-~~],
4 unless enrolled in a private school kindergarten or being home-
5 schooled."

6 SECTION 3. Section 302A-1132, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Unless excluded from school or excepted from
9 attendance, all children who will have arrived at the age of at
10 least [~~six~~] five years[~~-~~] on or before July 31 of any school
11 year, and who will not have arrived at the age of eighteen
12 years[~~-~~] by January 1 of any school year, shall attend either a
13 public or private school for, and during, the school year, and
14 any parent, guardian, or other person having the responsibility
15 for, or care of, a child whose attendance at school is
16 obligatory shall send the child to either a public or private
17 school. Attendance at a public or private school shall not be
18 compulsory in the following cases:

19 (1) Where the child is physically or mentally unable to
20 attend school (deafness and blindness excepted), of
21 which fact the certificate of a duly licensed
22 physician shall be sufficient evidence;



- 1 (2) Where the child, who has reached the fifteenth
2 anniversary of birth, is suitably employed and has
3 been excused from school attendance by the
4 superintendent or the superintendent's authorized
5 representative, or by a family court judge;
- 6 (3) Where, upon investigation by the family court, it has
7 been shown that for any other reason the child may
8 properly remain away from school;
- 9 (4) Where the child has graduated from high school;
- 10 (5) Where the child is enrolled in an appropriate
11 alternative educational program as approved by the
12 superintendent or the superintendent's authorized
13 representative in accordance with the plans and
14 policies of the department, or notification of intent
15 to home school, including kindergarten, has been
16 submitted to the principal of the public school that
17 the child would otherwise be required to attend in
18 accordance with department rules adopted to achieve
19 this result; or
- 20 (6) Where:
- 21 (A) The child has attained the age of sixteen years;
- 22 (B) The principal has determined that:



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



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

3 SECTION 5. This Act shall take effect on July 1, 2015.
4

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H.B. NO. 1818

Report Title:

Education; Compulsory Kindergarten

Description:

Requires attendance at kindergarten, with certain exceptions.

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