

JAN 16 2014

S.B. NO. 2189

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

PART I

1
2 SECTION 1. Chapter 302L, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 **"§302L- Eligibility for kindergarten; determination of**
6 **advisory board.** (a) The advisory board shall have the power to
7 determine whether a child who is ineligible for kindergarten due
8 to age, pursuant section 302A-411, but who will be five years of
9 age by December 31 of the school year should be allowed to
10 attend kindergarten.

11 (b) The advisory board shall establish procedures by which
12 a parent may seek the advisory board's determination pursuant to
13 this section.

14 (c) In making a determination pursuant to this section,
15 the advisory board shall establish an appropriate evaluation
16 process; provided that at a minimum, the advisory board's
17 determination shall be based on appropriate assessments



1 determined by the formative and summative assessment of the
2 child's academic, physical, social, and emotional abilities.

3 (d) For purposes of this section, the advisory board shall
4 be exempt from the requirements of chapters 91 and 92.

5 (e) The determination of the advisory board shall be final
6 and shall not be appealed."

7 SECTION 2. Section 302L-1.6, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) There is established an early learning advisory
10 board, whose members shall be appointed by the governor pursuant
11 to section 26-34. The advisory board shall be responsible for:

12 (1) Advising the office on how best to meet the
13 educational needs of children, from prenatal care to
14 entry into kindergarten;

15 (2) Providing recommendations to the office on improving
16 the quality, availability, and coordination of early
17 childhood care and education programs;

18 (3) Promoting collaboration across agencies and
19 stakeholders serving young children; ~~and~~

20 (4) Being an independent voice for children's health,
21 safety, development, and learning~~[+]~~; and



1 (5) Determining whether a child who will be five years of
 2 age by December 31 of the school year but is otherwise
 3 ineligible for kindergarten due to age, pursuant
 4 section 302A-411, should be allowed to attend
 5 kindergarten."

PART II

7 SECTION 3. Act 178, Session Laws of Hawaii 2012, is
 8 amended by amending section 3 to read as follows:

9 "SECTION 3. Section 302A-411, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 **"§302A-411 Kindergarten program; establishment;**
 12 **attendance.** (a) The department shall establish and maintain
 13 kindergartens with a program of instruction as a part of the
 14 public school system; provided that:

- 15 (1) Attendance shall not be mandatory; and
- 16 (2) Charter schools shall be excluded from mandatory
- 17 participation in the program.

18 (b) Beginning with the 2014-2015 school year, a child who
 19 will be at least five years of age on July 31 of the school year
 20 may attend a public school kindergarten[-]; provided that a
 21 school principal shall allow a child who will be five years of
 22 age by December 31 of the school year to attend kindergarten at



1 the principal's school if the early learning advisory board
 2 determines, pursuant to section 302L- , that the child should
 3 be allowed to attend kindergarten.

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

PART III

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

9 SECTION 5. This Act shall take effect on July 1, 2014,
 10 upon the enactment of section 302A-411, Hawaii Revised Statutes,
 11 as amended by section 3 of Act 178, Session Laws of Hawaii 2012.

INTRODUCED BY:

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S.B. NO. 2189

Report Title:

Kindergarten; Early Learning Advisory Board

Description:

Authorizes the early learning advisory board, upon the request of a parent and subject to certain requirements, to determine whether a child who is ineligible for kindergarten due to age, pursuant to section 302A-411, HRS, but who will be five years of age by December 31 of the school year should be allowed to attend kindergarten. Requires a school principal to allow a child to attend kindergarten if the early learning advisory board determines that the child should be allowed to attend.

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

