

JAN 23 2014

A BILL FOR AN ACT

RELATING TO KINDERGARTEN.

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

PART I

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

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

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

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



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

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

7 (2) Charter schools shall be excluded from mandatory
8 participation in the program."

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

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

13 Beginning with the 2006-2007 school year, a child who will be at
14 least five years of age on or before August 1 of the school year
15 may attend a public school kindergarten. Beginning with the

16 2006-2007 school year, a child who will be at least five years
17 of age after August 1 and before January 1 of the school year

18 may attend a public school junior kindergarten. Beginning with

19 the ~~[2013-2014]~~ 2014-2015 school year, a child who will be at
20 least five years of age on ~~[the first day of instruction may]~~

21 July 31 of the school year shall attend a public or private

22 school kindergarten[-], unless exempted by section 302A-1132.



1 Any parent, guardian, or other person having the responsibility
2 for, or care of, a child whose attendance at kindergarten is
3 mandatory under this section shall send the child to either a
4 public or private school kindergarten."

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

7 "(a) Unless excluded from school or excepted from
8 attendance, all children who will have arrived at the age of at
9 least [~~six~~] five years[~~7~~] on July 31 of the school year, and who
10 will not have arrived at the age of eighteen years, by January 1
11 of any school year, shall attend either a public or private
12 school for, and during, the school year, and any parent,
13 guardian, or other person having the responsibility for, or care
14 of, a child whose attendance at school is obligatory shall send
15 the child to either a public or private school. Attendance at a
16 public or private school shall not be compulsory in the
17 following cases:

18 (1) Where the child is physically or mentally unable to
19 attend school (deafness and blindness excepted), of
20 which fact the certificate of a duly licensed
21 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 has been submitted to the principal of
16 the public school that the child would otherwise be
17 required to attend in accordance with department rules
18 adopted to achieve this result; or
- 19 (6) Where:
- 20 (A) The child has attained the age of sixteen years;
- 21 (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."

22 **PART II**



1 SECTION 4. The legislature finds that gathering valuable
2 information about a child's knowledge, skills, and abilities
3 when the child enters kindergarten engages and empowers parents
4 to assist in their children's learning processes and supports
5 educators in developing meaningful and culturally responsive
6 instruction for the child. Act 13, Session Laws of Hawaii 2002,
7 resulted in the development of the Hawaii state school readiness
8 assessment (HSSRA) to collect information on children's
9 readiness for school and schools' readiness for children upon
10 entry into kindergarten. The information gathered from the
11 results of HSSRA, although valuable, assesses the readiness of
12 the majority of a class rather than an individual child.

13 The legislature further finds that information about the
14 individual child is essential for two reasons:

- 15 (1) To provide teachers and educators with specific
16 information about each child that would allow them to
17 tailor their curriculum and practices to meet the
18 learning needs of each child; and
- 19 (2) To provide key stakeholders with data that would allow
20 them to track learning experiences across the
21 educational agencies.



1 The legislature further finds that a uniform kindergarten
2 assessment process can provide valuable feedback to early
3 learning programs engaged in quality and culturally responsive
4 early learning improvement efforts, as well as to parents and
5 families about their child's learning and development, support
6 cross-systems communication, and promote seamless transitions to
7 kindergarten for children and families. It is not the intent of
8 the legislature to use the assessment to prevent a child's
9 access into kindergarten.

10 Meeting the needs of families, communities, and schools to
11 work effectively for children's connection and learning will
12 improve school readiness and help ensure children are on track
13 for continued growth and learning.

14 The purpose of this part is to:

- 15 (1) Require the department of education, in collaboration
16 with the executive office on early learning, to
17 develop a uniform statewide individualized
18 kindergarten readiness process; and
- 19 (2) Establish an individualized kindergarten readiness
20 assessment system within the department of education
21 that would replace the HSSRA with more meaningful,
22 individualized data, and reduce the need for, and cost



1 of, assessments that individual schools are purchasing
2 or developing.

3 SECTION 5. (a) The department of education, in
4 collaboration with the executive office on early learning, shall
5 develop a statewide individualized kindergarten readiness system
6 to collect information and data made available through the
7 individualized kindergarten readiness assessment system
8 established pursuant to subsection (b).

9 (b) There is established, within the department of
10 education, an individualized kindergarten readiness assessment
11 system. The assessment system shall:

- 12 (1) Cover the child's developmental continuum from birth
13 through the end of kindergarten;
- 14 (2) Measure child development across multiple domains of
15 growth, including language, literacy, mathematics, and
16 cognitive, physical, and social-emotional development;
- 17 (3) Align with Hawaii early learning and development
18 standards and the state common core standards for
19 kindergarten;
- 20 (4) Be appropriate for use with all children, including
21 those of various cultural and linguistic backgrounds;
- 22 (5) Employ valid and reliable assessment data;



- 1 (6) Provide useful, valid, and reliable information for
- 2 its intended purposes;
- 3 (7) Have the functionality to link to the statewide
- 4 longitudinal data system;
- 5 (8) Have the functionality to be used as an ongoing
- 6 formative assessment tool; and
- 7 (9) Be administered during the first months of a child's
- 8 entry to kindergarten.
- 9 (c) Subject to the availability of funds, the assessment
- 10 system shall include:
- 11 (1) Annual child subscription for all kindergarten
- 12 students in Hawaii public schools, including charter
- 13 schools;
- 14 (2) Training and ongoing technical assistance to
- 15 department of education kindergarten teachers,
- 16 including kindergarten teachers at charter schools, in
- 17 alignment with any existing teacher induction and
- 18 mentoring programs;
- 19 (3) Technology and device support for the successful
- 20 implementation of the assessment system, including the
- 21 creation of online accounts for each participating
- 22 child.



1 (d) Beginning with the 2015-2016 school year, all
2 kindergarten classes within the department of education,
3 including charter schools, shall adopt the assessment system;
4 provided that a parent may choose to exempt their child from the
5 assessment system.

6 (e) The department of education may adopt interim rules to
7 carry out the purposes of this part without regard to chapter
8 91, Hawaii Revised Statutes; provided that:

- 9 (1) The department of education shall hold at least one
10 public hearing prior to the adoption of interim rules;
- 11 (2) The interim rules shall comply with all applicable
12 state and federal laws; and
- 13 (3) The interim rules shall be effective for no more than
14 one year after their adoption.

15 SECTION 6. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$450,000 or so much
17 thereof as may be necessary for fiscal year 2014-2015 for the
18 administration, training, technology, and support necessary for
19 the establishment of the individualized kindergarten readiness
20 assessment system pursuant to section 5 of this Act and to
21 establish four full-time equivalent (4.0 FTE) positions within

1 the department of education for professional development and
2 training of kindergarten teachers.

3 The sum appropriated shall be expended by the department of
4 education for the purposes of this Act.

5 PART III

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

8 SECTION 8. This Act shall take effect upon its approval;
9 provided that the amendments made to section 302A-411, Hawaii
10 Revised Statutes, by section 1 of this Act shall not be repealed
11 when section 3 of Act 178, Session Laws of Hawaii 2012, takes
12 effect on July 1, 2014; provided further that section 6 shall
13 take effect on July 1, 2014.

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Report Title:

Kindergarten; Early Learning; School Readiness; Individualized Assessments; Appropriation

Description:

Makes kindergarten mandatory for a child who will be at least five years of age on July 31 of the school year. Requires the department of education, in collaboration with the executive office on early learning, to develop a statewide kindergarten readiness program. Establishes an individualized kindergarten readiness assessment system. Makes an appropriation to the department of education.

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