
A BILL FOR AN ACT

RELATING TO KINDERGARTEN.

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

1 PART I

2 SECTION 1. Section 302A-1132, Hawaii Revised Statutes, is
3 amended by amending subsection (a) to read as follows:

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

15 (1) Where the child is physically or mentally unable to
16 attend school (deafness and blindness excepted), of
17 which fact the certificate of a duly licensed
18 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~~
2 that is disruptive to other students,
3 teachers, or 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 2. Section 302A-411, Hawaii Revised Statutes, is
2 repealed.

3 [~~"§302A-411 Kindergarten program, establishment,
4 attendance. (a) The department shall establish and maintain
5 kindergartens with a program of instruction as a part of the
6 public school system; provided that:~~

7 (1) Attendance shall not be mandatory; and

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

10 (b) Beginning with the 2014-2015 school year, a child who
11 will be at least five years of age on July 31 of the school year
12 may attend a public school kindergarten.

13 (c) The department may accept gifts to establish and
14 maintain kindergartens."]

15 PART II

16 SECTION 3. The legislature finds that gathering valuable
17 information about a child's knowledge, skills, and abilities
18 when the child enters kindergarten engages and empowers parents
19 to assist in their children's learning processes and supports
20 educators in developing meaningful and culturally responsive
21 instruction for the child. Act 13, Session Laws of Hawaii 2002,
22 resulted in the development of the Hawaii state school readiness



1 assessment to collect information on children's readiness for
2 school and schools' readiness for children upon entry into
3 kindergarten. The information gathered from the results of the
4 Hawaii state school readiness assessment, although valuable,
5 assesses the readiness of the majority of a class rather than an
6 individual child.

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

- 9 (1) To provide teachers and educators with specific
10 information about each child that would allow them to
11 tailor their curriculum and practices to meet the
12 learning needs of each child; and
- 13 (2) To provide key stakeholders with data that would allow
14 them to track learning experiences across the
15 educational agencies.

16 The legislature further finds that a uniform kindergarten
17 assessment system can provide valuable feedback to early
18 learning programs engaged in high-quality and culturally
19 responsive early learning improvement efforts as well as to
20 parents and families about their child's learning and
21 development, support cross-systems communication, and promote
22 seamless transitions to kindergarten for children and families.



1 It is not the intent of the legislature to use the assessment to
2 prevent a child's access into kindergarten.

3 Meeting the needs of families, communities, and schools to
4 work effectively for children's connection and learning will
5 improve school readiness and help ensure children are on track
6 for continued growth and learning.

7 The purpose of this part is to:

- 8 (1) Require the department of education, in collaboration
9 with the executive office on early learning, to
10 develop a uniform statewide individualized
11 kindergarten readiness system; and
- 12 (2) Establish an individualized kindergarten readiness
13 assessment system within the department of education
14 that would replace the Hawaii state school readiness
15 assessment with more meaningful, individualized data,
16 and reduce the need for, and cost of, assessments that
17 individual schools are purchasing or developing.

18 SECTION 4. (a) The department of education, in
19 collaboration with the executive office on early learning, shall
20 develop a statewide individualized kindergarten readiness system
21 to collect information and data made available through the



1 individualized kindergarten readiness assessment system
2 established pursuant to subsection (b).

3 (b) There is established, within the department of
4 education, an individualized kindergarten readiness assessment
5 system. The assessment system shall:

- 6 (1) Cover the child's developmental continuum from birth
7 through the end of kindergarten;
- 8 (2) Measure child development across multiple domains of
9 growth, including language; literacy; mathematics; and
10 cognitive, physical, and social-emotional development;
- 11 (3) Align with Hawaii early learning and development
12 standards and the state common core standards for
13 kindergarten;
- 14 (4) Be appropriate for use with all children, including
15 those of various cultural and linguistic backgrounds;
- 16 (5) Employ valid and reliable assessment data;
- 17 (6) Provide useful, valid, and reliable information for
18 its intended purposes;
- 19 (7) Possess the functionality to link to the statewide
20 longitudinal data system;
- 21 (8) Possess the functionality to be used as an ongoing
22 formative assessment tool; and



1 (9) Be administered during the first months of a child's
2 entry to kindergarten.

3 (c) Subject to the availability of funds, the assessment
4 system shall include:

5 (1) Annual child subscription for all kindergarten
6 students in Hawaii public schools, including charter
7 schools;

8 (2) Training and ongoing technical assistance to
9 department of education kindergarten teachers,
10 including kindergarten teachers at charter schools, in
11 alignment with any existing teacher induction and
12 mentoring programs; and

13 (3) Technology and device support for the successful
14 implementation of the assessment system, including the
15 creation of an online account for each participating
16 child.

17 (d) Beginning with the 2015-2016 school year, all
18 kindergarten classes within the department of education,
19 including charter schools, shall adopt the assessment system;
20 provided that a parent may choose to exempt the parent's child
21 from the assessment system.



1 (e) The department of education may adopt interim rules to
2 carry out the purposes of this part without regard to chapter
3 91, Hawaii Revised Statutes; provided that:

4 (1) The department of education shall hold at least one
5 public hearing prior to the adoption of interim rules;

6 (2) The interim rules shall comply with all applicable
7 state and federal laws; and

8 (3) The interim rules shall be effective for no more than
9 one year after their adoption.

10 SECTION 5. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$870,000 or so much
12 thereof as may be necessary for fiscal year 2014-2015 for the
13 administration, training, technology, and support necessary for
14 the establishment of the individualized kindergarten readiness
15 assessment system pursuant to section 4 of this Act and to
16 establish four full-time equivalent (4.0 FTE) positions within
17 the department of education for professional development and
18 training of kindergarten teachers.

19 The sum appropriated shall be expended by the department of
20 education for the purposes of this part.



1 PART III

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

4 SECTION 7. This Act shall take effect on July 1, 2014.



Report Title:
Kindergarten

Description:

Amends the compulsory education law to make kindergarten mandatory. Develops a statewide individualized kindergarten readiness system and establishes an individualized kindergarten readiness assessment system. Appropriates funds. Effective July 1, 2014. (SB2768 HD1)

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

