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# 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. 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~~  
11 ~~who will be at least five years of age on or before December 31~~  
12 ~~of 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]~~ or  
21 before July 31 of the school year shall attend a public or  
22 private school kindergarten[-], unless exempted by section 302A-



1 1132. Any parent, guardian, or other person having the  
2 responsibility for, or care of, a child whose attendance at  
3 kindergarten is mandatory under this section shall enroll the  
4 child in either a public or private school kindergarten."

5 SECTION 3. Section 302A-411, Hawaii Revised Statutes, is  
6 amended by amending subsections (a) and (b) to read as follows:

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

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

12 (2) Charter schools shall be excluded from mandatory  
13 participation in the program.

14 (b) Beginning with the 2014-2015 school year, a child who  
15 will be at least five years of age on or before July 31 of the  
16 school year ~~may~~ shall attend a public or private school  
17 kindergarten~~[-]~~, unless exempted by section 302A-1132. Any  
18 parent, guardian, or other person having the responsibility for,  
19 or care of, a child whose attendance at kindergarten is  
20 mandatory under this section shall enroll the child in either a  
21 public or private school kindergarten."



1 SECTION 4. Section 302A-1132, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

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

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

18 (2) Where the child, who has reached the fifteenth  
19 anniversary of birth, is suitably employed and has  
20 been excused from school attendance by the  
21 superintendent or the superintendent's authorized  
22 representative, or by a family court judge;



- 1 (3) Where, upon investigation by the family court, it has  
2 been shown that for any other reason the child may  
3 properly remain away from school;
- 4 (4) Where the child has graduated from high school;
- 5 (5) Where the child is enrolled in an appropriate  
6 alternative educational program as approved by the  
7 superintendent or the superintendent's authorized  
8 representative in accordance with the plans and  
9 policies of the department, or notification of intent  
10 to home school has been submitted to the principal of  
11 the public school that the child would otherwise be  
12 required to attend in accordance with department rules  
13 adopted to achieve this result; or
- 14 (6) Where:
- 15 (A) The child has attained the age of sixteen years;
- 16 (B) The principal has determined that:
- 17 (i) The child has engaged in behavior which is  
18 disruptive to other students, teachers, or  
19 staff; or
- 20 (ii) The child's non-attendance is chronic and  
21 has become a significant factor that hinders  
22 the child's learning; and



1 (C) The principal of the child's school, and the  
2 child's teacher or counselor, in consultation  
3 with the child and the child's parent, guardian,  
4 or other adult having legal responsibility for or  
5 care of the child, develops an alternative  
6 educational plan for the child. The alternative  
7 educational plan shall include a process that  
8 shall permit the child to resume school.

9 The principal of the child's school shall file the  
10 plan made pursuant to subparagraph (C) with the  
11 child's school record. If the adult having legal  
12 responsibility for or care of the child disagrees with  
13 the plan, then the adult shall be responsible for  
14 obtaining appropriate educational services for the  
15 child."

16 **PART II**

17 SECTION 5. The legislature finds that gathering valuable  
18 information about a child's knowledge, skills, and abilities  
19 when the child enters kindergarten engages and empowers parents  
20 to assist in their children's learning processes and supports  
21 educators in developing meaningful and culturally responsive  
22 instruction for the child. Act 13, Session Laws of Hawaii 2002,



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

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

10 (1) It provides teachers and educators with specific  
11 information about each child that would allow them to  
12 tailor curriculum and practices to meet the learning  
13 needs of each child; and

14 (2) It provides key stakeholders with data that would  
15 allow them to track learning experiences across the  
16 educational agencies.

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



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

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

8 The purpose of this part is to:

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

19 SECTION 6. (a) The department of education, in  
20 collaboration with the executive office on early learning, shall  
21 develop a statewide individualized kindergarten readiness  
22 process to collect information and data made available through





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

3 (b) There is established, within the department of  
4 education, an individualized kindergarten readiness assessment  
5 tool. The assessment tool 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) Have the functionality to link to the statewide  
20 longitudinal data system;
- 21 (8) Have 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 tool 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 tool, 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 tool;  
20 provided that a parent may choose to exempt their child from the  
21 assessment tool.



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 7. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$ or so  
12 much thereof as may be necessary for fiscal year 2014-2015 for  
13 the administration, training, technology, and support necessary  
14 for the establishment of the individualized kindergarten  
15 readiness assessment tool pursuant to section 6 of this Act and  
16 to establish four full-time equivalent (4.0 FTE) positions  
17 within the department of education for professional development  
18 and training of kindergarten teachers.

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



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PART III

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

SECTION 9. This Act shall take effect on July 1, 2050; provided that sections 3 and 7 shall take effect on July 1, 2050.



**Report Title:**

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

**Description:**

Makes kindergarten mandatory for children 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 tool. Makes an appropriation to the department of education. Effective 7/1/2050. (SD2)

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

