

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 302A-411, Hawaii Revised Statutes, is  
2 amended as follows:

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

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

7 (1) Attendance in kindergarten shall [~~not~~] be  
8 mandatory[+], unless exempted by section 302A-1132 or  
9 unless a parent or legal guardian determines non-  
10 attendance to be in the best interest of the child;  
11 and

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

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

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

18 Beginning with the 2006-2007 school year, a child who will be at



1 least five years of age on or before August 1 of the school year  
2 may attend a public school kindergarten. Beginning with the  
3 2006-2007 school year, a child who will be at least five years  
4 of age after August 1 and before January 1 of the school year  
5 may attend a public school junior kindergarten. Beginning with  
6 the 2013-2014 school year, a child who will be at least five  
7 years of age on [~~the first day of instruction may~~] July 31 of  
8 the school year shall attend a public school kindergarten[-],  
9 unless exempted by section 302A-1132 or unless a parent or legal  
10 guardian determines non-attendance to be in the best interest of  
11 the child."

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

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



1 public or private school shall not be compulsory in the  
2 following cases:

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

7 (2) Where the child, who has reached the fifteenth  
8 anniversary of birth, is suitably employed and has  
9 been excused from school attendance by the  
10 superintendent or the superintendent's authorized  
11 representative, or by a family court judge;

12 (3) Where, upon investigation by the family court, it has  
13 been shown that for any other reason the child may  
14 properly remain away from school;

15 (4) Where the child has graduated from high school;

16 (5) Where the child is enrolled in an appropriate  
17 alternative educational program as approved by the  
18 superintendent or the superintendent's authorized  
19 representative in accordance with the plans and  
20 policies of the department, or notification of intent  
21 to home school has been submitted to the principal of  
22 the public school that the child would otherwise be



1 required to attend in accordance with department rules  
2 adopted to achieve this result; or

3 (6) Where:

4 (A) The child has attained the age of sixteen years;

5 (B) The principal has determined that:

6 (i) The child has engaged in behavior which is  
7 disruptive to other students, teachers, or  
8 staff; or

9 (ii) The child's non-attendance is chronic and  
10 has become a significant factor that hinders  
11 the child's learning; and

12 (C) The principal of the child's school, and the  
13 child's teacher or counselor, in consultation  
14 with the child and the child's parent, guardian,  
15 or other adult having legal responsibility for or  
16 care of the child, develops an alternative  
17 educational plan for the child. The alternative  
18 educational plan shall include a process that  
19 shall permit the child to resume school.

20 The principal of the child's school shall file the  
21 plan made pursuant to subparagraph (C) with the  
22 child's school record. If the adult having legal



1 responsibility for or care of the child disagrees with  
2 the plan, then the adult shall be responsible for  
3 obtaining appropriate educational services for the  
4 child."

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

7 SECTION 4. This Act shall take effect upon its approval;  
8 provided that the amendments made to section 302A-411, Hawaii  
9 Revised Statutes, by section 1 of this Act shall not be repealed  
10 when section 3 of Act 178, Session Laws of Hawaii 2012, takes  
11 effect on July 1, 2014.

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INTRODUCED BY: Freddie Chun Auckland

Randy de Be

[Signature]

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# S.B. NO. 387

**Report Title:**

Education; Kindergarten

**Description:**

Amends sections 302A-411 and 302A-1132, Hawaii Revised Statutes, to make kindergarten attendance mandatory unless attendance is otherwise exempted.

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

