

ACT 162

S.B. NO. 2380

A Bill for an Act Relating to Compulsory School Attendance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that:

- (1) Thirty-three states require children to attend school until the age of sixteen years;
- (2) Eight states and the District of Columbia require children to attend school until the age of seventeen years; and
- (3) Nine states, including the State of Hawaii, require children to attend school until the age of eighteen years.

Allowing the principal of a child's school to excuse the child from school attendance if:

- (1) The child has attained the age of sixteen years;
- (2) The principal has determined that:
 - (A) The child's continued attendance in class is disruptive to other students or department employees; or
 - (B) The child's non-attendance is a significant factor that hinders the child's learning; and
- (3) The school principal and the child's teacher or counselor, in consultation with the child and the child's parent develop an alternative educational plan,

will free the department of education and the family courts of the costly and time-consuming task of forcing unwilling children to attend school, while providing some expectation of adult supervision.

SECTION 2. Section 298-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Unless excluded from school or excepted from attendance, all children who will have arrived at the age of at least six years, and who will not have arrived at the age of eighteen years, [on or before December 31] by January 1 of any school year, shall attend either a public or private school for, and during [such], the school year, and any parent, guardian, [and] or other person having the responsibility for, or care of, a child whose attendance at school is obligatory shall send the child to [some such] either a public or private school. [Such attendance] Attendance at a public or private school shall not be compulsory in the following cases:

- (1) Where the child is physically or mentally unable to attend school (deafness and blindness excepted), of which fact the certificate of a duly licensed physician shall be sufficient evidence;
- (2) Where the child, who has reached the fifteenth anniversary of birth, is suitably employed and has been excused from school attendance by the superintendent or the superintendent’s authorized representative, or by a family court judge;
- (3) Where, upon investigation by the family court, it has been shown that for any other reason the child may properly remain away from school;
- (4) Where [a] the child has graduated from high school; [or]
- (5) Where the child is enrolled in an appropriate alternative educational program as approved by the superintendent or the superintendent’s authorized representative in accordance with the plans and policies of the department of education, or notification of intent to home school has been submitted to the principal of the public school [which] that the child would otherwise be required to attend in accordance with department rules adopted to achieve this result[.]; or
- (6) Where:
 - (A) The child has attained the age of sixteen years;
 - (B) The principal has determined that:
 - (i) The child has engaged in behavior which is disruptive to other students, teachers, or staff; or
 - (ii) The child’s non-attendance is chronic and has become a significant factor that hinders the child’s learning;and
 - (C) The principal of the child’s school, and the child’s teacher or counselor, in consultation with the child and the child’s parent, guardian, or other adult having legal responsibility for or care of the child, develops an alternative educational plan for the child. The alternative educational plan shall include a process that shall permit the child to resume school.

The principal of the child’s school shall file the plan made pursuant to subparagraph (C) with the child’s school record. If the adult having legal responsibility for or care of the child disagrees with the plan, then the adult shall be responsible for obtaining appropriate educational services for the child.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. If S.B. No. 2446¹ is passed by the legislature in any form during this regular session of 1996, whether before or after the effective date of this Act, then section -1234, Hawaii Revised Statutes, as contained in Section 2 of S.B. No. 2446¹ shall be amended to reflect amendment of section 298-9, Hawaii Revised Statutes, in this Act.

SECTION 5. This Act shall take effect on July 1, 1996.

(Approved June 14, 1996.)

Note

1. Act 89.