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

12           The purpose of this Act is to enhance learning by lowering  
13 the compulsory education age from six years to five years and to  
14 make attendance in kindergarten mandatory.

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

17           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 junior kindergarten shall not be  
5           mandatory; and

6           (2) New century charter schools and new century conversion  
7           charter schools shall be excluded from mandatory  
8           participation in the program."

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

10          "(c) Unless excluded from school or excepted from  
11 attendance, all children who will have arrived at the age of at  
12 least five years as provided in this subsection shall attend  
13 either a public or private school kindergarten. During the  
14 school year, any parent, guardian, or other person having the  
15 responsibility for, or care of, a child whose attendance at  
16 kindergarten is obligatory shall send the child to either a  
17 public or private school kindergarten. Beginning with the 2004-  
18 2005 school year, a child who will be at least five years of age  
19 on or before December 31 of the school year may attend a public  
20 school kindergarten. Beginning with the 2006-2007 school year,  
21 a child who will be at least five years of age on or before  
22 August 1 of the school year may attend a public school

1 kindergarten. Beginning with the 2006-2007 school year, a child  
2 who will be at least five years of age after August 1 and before  
3 January 1 of the school year may attend a public school junior  
4 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, and who will not have arrived at the age  
10 of eighteen years, by January 1 of any school year, shall attend  
11 either a public or private school, including a kindergarten,  
12 for, and during, the school year[~~, and any~~]. 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."

1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon approval.  
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HB 2139

**Report Title:**

School Attendance; Mandatory Kindergarten

**Description:**

Lowers the compulsory education age from 6 to 5 years old, making attendance in kindergarten mandatory.

