

JAN 19 2018

A BILL FOR AN ACT

RELATING TO HOME SCHOOLING.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Home schooling; requirements. (a) All notices
5 of intent to home school must be approved by the principal of
6 the public school that the child would otherwise be required to
7 attend prior to the start of home schooling.

8 (b) Prior to approving a notice of intent to home school,
9 the principal shall inquire with child welfare services to
10 determine whether there is any history of child abuse or neglect
11 involving the child or any other child in the child's household.

12 (c) If, pursuant to subsection (b), child welfare services
13 reports that there is a history of child abuse or neglect
14 involving the child or any other child in the child's household,
15 the principal shall deny the notice of intent to home school
16 unless the principal receives:



1 (1) A determination by child welfare services that the
2 child is not in any immediate danger by virtue of
3 being home schooled; or

4 (2) An order by a family court judge;
5 provided that the department, in collaboration with child
6 welfare services, shall determine procedures for periodic
7 in-home visitation of any child who is home schooled pursuant to
8 paragraphs (1) and (2).

9 (d) The department shall adopt rules pursuant to chapter
10 91 necessary to carry out the purposes of this section."

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

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



1 principal of the public school that the child would
2 otherwise be required to attend in accordance with
3 section 302A- and department rules [~~adopted to~~
4 ~~achieve this result~~];

5 (6) Where:

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

7 (B) The principal has determined that:

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

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

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



1 The principal of the child's school shall file the
2 plan made pursuant to subparagraph (C) with the
3 child's school record. If the adult having legal
4 responsibility for or care of the child disagrees with
5 the plan, then the adult shall be responsible for
6 obtaining appropriate educational services for the
7 child."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11
INTRODUCED BY: _____

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[Signature]



S.B. NO. 2274

Report Title:

Home Schooling; Child Abuse; Child Welfare Services; Family Court Approval

Description:

Establishes requirements for approval of a notice of intent to home school.

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

