

JAN 18 2019

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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-1132, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§302A-1132 Attendance compulsory; exceptions.** (a)

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



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- 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:



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- 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 (b) Any employer who employs a child who is excused from  
 2 school attendance in accordance with subsection (a) (2) shall  
 3 notify the child's school within three days upon termination of  
 4 the child's employment.

5 (c) Beginning with the 2014-2015 school year, any parent,  
 6 guardian, or other person having the responsibility for, or care  
 7 of, a child who will be at least five years of age on or before  
 8 July 31 of the school year shall enroll the child in a public  
 9 school kindergarten unless the child is enrolled at a private  
 10 school or the child's attendance is otherwise exempt under this  
 11 section.

12 (d) For purposes of this section, "private school" means  
 13 an education institution teaching students in any grade from  
 14 kindergarten through grade twelve and that is licensed or  
 15 accredited by the Hawaii Association of Independent Schools or  
 16 the Western Association of Schools."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY

*Michelle Tidani*

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**Report Title:**

Education; Compulsory Attendance; Private Schools; Licensure

**Description:**

Defines, for the purpose of compulsory education, a private school to be an education institution that teaches kindergarten through grade twelve and that is licensed or accredited by the Hawaii Association of Independent Schools or the Western Association of Schools and Colleges.

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

