THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 3193

JAN 28 2026

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

SECTION 1. The legislature finds that home schooling is a valid and beneficial educational option that offers flexibility, individualized instruction, and strong family engagement. In Hawaii, there are over five thousand students that are being educated through home schooling.

The legislature recognizes that the department of education has a responsibility to ensure the educational well-being of all school-age children. To fulfill this responsibility, the department of education must be able to monitor student progress in a manner that respects parental choice while allowing for the early identification of developmental delays, learning differences, or other educational needs that may benefit from additional evaluation, resources, or supportive services offered by the department.

Accordingly, the purpose of this Act is to require annual in-person participation in certain tests by home schooled students to support student success and ensure access to

appropriate educational support when needed. The legislature believes that the tests that should be required include the statewide testing program, including English language arts and math testing through the Smarter Balanced Assessment, given in the third grade through eighth grade and eleventh grade. Alternatively, a student learning in Hawaiian may take the alternative for Hawaiian immersion students through the Kaiapuni Assessment of Educational outcomes, also known as KĀ'EO. For those entering kindergarten, the test that would apply is the kindergarten entry assessment. For students in the first grade and second grade, they are given universal screenings three times during the school year, with the first universal screening to be required.

SECTION 2. Section 302A-1132, 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 five years on or before July 31 of the school year, and who will not have arrived at the age of eighteen years, by January 1 of any school year, shall attend either a public or private school for, and during, the school year, and any parent,

guardian, or other person having the responsibility for, or care of, a child whose attendance at school is obligatory shall send the child to either a public or private school. 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 the child has graduated from high school;

(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, or notification of intent to home school has been submitted to the principal of the public school that the child would otherwise be required to attend in accordance with department rules adopted to achieve this result[~~; or~~]; provided that beginning with the 2027-2028 school year, a home schooled child shall participate in person in:

(A) The kindergarten entry assessment;

(B) Universal screening upon beginning the first grade and second grade; or

(C) The statewide testing program for English language arts and math or the Hawaiian immersion alternative for the years the appropriate program is offered,

at the public school that the child would otherwise be required to attend once a year; 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 and stricken. New statutory material is underscored.

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

INTRODUCED BY: Kurt Fevella

S.B. NO. 3193

Report Title:
Home Schooling; Students; Testing

Description:
Requires home schooled students to participate in certain annual in person tests at the public school that the student would otherwise be required to attend.

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