

ACT 35

H.B. NO. 34

A Bill for an Act Relating to Gifted Children.

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

SECTION 1. Section 301-21, Hawaii Revised Statutes, is amended by amending the definition of “exceptional children” to read:

““Exceptional children” includes:

- (1) Persons under twenty years of age who deviate from the so-called normal person in physical, mental, social, or emotional characteristics or abilities to such an extent that specialized training, techniques, and equipment are required to enable these persons to attain the maximum of their abilities or capacities[;], provided that “exceptional children” does not include “gifted and talented children” as defined in and covered by part III of this chapter;
- (2) Persons under twenty years of age who by reason of physical defects cannot attend the regular public school classes with normal children; and
- (3) Persons under twenty years of age who are certified by a licensed physician eligible to membership in the state medical society to be emotionally maladjusted or intellectually incapable of profiting from ordinary instructional methods.”

SECTION 2. Chapter 301, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART III. GIFTED AND TALENTED CHILDREN

§301- Findings and purpose. The legislature finds that gifted and talented children are invaluable human resources with unique educational needs that can and should be addressed by specialized education and services. The purpose of this part is to recognize these needs and to authorize the department of education to provide appropriate educational placements and programs to enable these children to develop their skills and potentials.

§301- Definitions. As used in this part, “gifted and talented children” means students residing in the State who are of compulsory school age enrolled in and attending a public school, and whose superior performance or potential indicates exceptional ability or talent. Such ability or talent may occur singly in or in combination with any of the following areas: intellectual, creative or specific academic abilities, leadership capabilities, psychomotor abilities, or abilities in the performing or visual arts.

§301- Programs for gifted and talented children. The department of education is authorized to provide a statewide flexible system of educational placement and programs within the public school system which the department determines is appropriate for meeting the unique educational needs of gifted and talented children. The nature and scope of the department’s educational placement and programs shall be based on but shall not be limited to the following factors: the availability of financial and physical resources within the department of education, the nature of the child’s giftedness or talent, and whether the child’s educational placement and program should focus on or be limited to a particular area of giftedness or talent or whether the educational placement and program should address other areas which may be beneficial to the development of the child as a whole.

§301- Rules. The board of education shall adopt necessary rules, in accordance with chapter 91, to administer and implement this part.”

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

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

(Approved April 26, 1982.)