

ACT 219

S.B. NO. 17

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 studies nationally and locally have found substantial differences between “older” students and “younger” students within a grade, terms of their performance and ability. Students at greatest risk are boys born between July and December. They account for a disproportionate number of students who are retained at their present grade level, have school adjustment problems, or are certified as learning disabled. Comparisons between Hawaii students and students in other states on national achievement tests in later grades are likely to be more equitable if the entry age of Hawaii student is more closely aligned to that of most other states.

In light of these and other findings, the legislature is committed to school readiness. The legislature finds that it is necessary to create conditions that will enable children in Hawaii to succeed in kindergarten and subsequent school experiences. Act 13, Session Laws of Hawaii 2002, relating to education defines school readiness as “young children are ready to have successful learning experiences in school when there is a positive interaction among the child’s developmental characteristics, school practices, and family and community support.”

The legislature finds that students born in the latter half of the calendar year will benefit from a more targeted developmentally appropriate curriculum geared to

their young age. By addressing the range of learners in the kindergarten classroom, the public educational system can better ensure success for students in their early years, provide a more level playing field for students, and improve overall educational outcomes for students.

Accordingly, the purpose of this Act is to establish a two-tier junior kindergarten and kindergarten to implement a developmentally appropriate curriculum. The program will be sufficiently flexible to allow those junior kindergarten students deemed ready to participate in kindergarten to do so, and provide those students who may need additional support to move from kindergarten to junior kindergarten. This will facilitate the progress of junior kindergarten and kindergarten students to the first grade. Children in the program who could benefit from another year may continue in kindergarten for a second year.

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

“§302A-411 [~~Kindergartens;~~] Junior kindergarten and kindergarten program; establishment; attendance. (a) The department shall establish and maintain junior kindergartens and kindergartens with a program of instruction as a part of the public school system; provided that [~~attendance shall not be mandatory. No child shall attend any kindergarten unless the child will be at least five years of age on or before December 31 of the school year; provided that a child attending a school that convenes after the regular school schedule shall be five years of age on or before one hundred twenty five days following the date the school convenes; and provided further that the board shall develop informational guidance to promote the understanding of a child's readiness for kindergarten.;~~]

(1) Attendance shall not be mandatory; and

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

(b) The department shall establish a two-tier junior kindergarten and kindergarten program to support the range of developmental abilities of children in junior kindergarten and kindergarten. Any school may move students between junior kindergarten and kindergarten as the school deems appropriate. Junior kindergarten students may graduate directly to grade one. The program shall include any or all of the following models:

(1) Classrooms composed exclusively of either junior kindergarten or kindergarten students;

(2) Coordination with public, private, or public-private entities to address the needs of junior kindergarten-eligible students within the school's community; and

(3) The blending of junior kindergarten and kindergarten students in a single classroom.

(c) Beginning with the 2004-2005 school year, a child who will be at least five years of age on or before December 31 of the school year may attend a public school kindergarten. Beginning with the 2006-2007 school year, a child who will be at least five years of age on or before August 1 of the school year may attend a public school kindergarten. Beginning with the 2006-2007 school year, a child who will be at least five years of age after August 1 and before January 1 of the school year may attend a public school junior kindergarten.

~~[(b)]~~ (d) The department may accept gifts to establish and maintain junior kindergartens and kindergartens.”

SECTION 3. Section 302A-1131, Hawaii Revised Statutes, is repealed.

SECTION 4. During the 2004-2005 school year, the department of education shall develop a plan to assist schools for the development of the two-tier junior kindergarten and kindergarten program. During the 2005-2006 school year schools will be encouraged to explore and pilot strategies focused on the effective implementation of the junior kindergarten and kindergarten program. Beginning with the 2006-2007 school year, all elementary schools, excluding new century charter schools and new century conversion charter schools, shall implement the two-tier junior kindergarten and kindergarten program, with public school kindergartens accommodating children born January to August 1 and public school junior kindergartens accommodating children born August 2 to December 31.

SECTION 5. The department of education shall submit findings and recommendations to the legislature regarding the implementation of the two-tier junior kindergarten and kindergarten program no later than twenty days prior to the regular sessions of 2005, 2006, and 2007.

SECTION 6. The department of education shall develop assessments to aid in the placement of students in the appropriate classroom for the purposes of section 2 of this Act.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary for fiscal year 2004-2005, for planning, piloting, curriculum development, assessment, and reporting, including longitudinal data, of the two-tier junior kindergarten and kindergarten program.

SECTION 8. The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 9. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval; provided that sections 6 and 7 shall take effect on July 1, 2004.

(Approved July 13, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.