

**ACT 16**

S.B. NO. 2136

A Bill for an Act Relating to Education.

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

SECTION 1. Section 302A-101, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

“Attend” or “attendance” means a student is physically present in school after enrollment.

“Enroll” or “enrollment” means a student has met all of the department’s requirements for entrance and is formally placed on a school’s roll.”

SECTION 2. Section 302A-1145, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~302A-1145~~§~~ **Transfer to another school.** No school shall receive any child under eighteen years of age, who has attended another school of the same class in the same ~~[district,]~~ complex area, unless the child produces to the school in which to be ~~[entered,]~~ enrolled, a certificate of release of the school last attended by the child. If the child applies to ~~[attend]~~ enroll in a school of higher grade, a certificate of proficiency shall be required or a lawful excuse for its absence. The children from one ~~[district]~~ complex area desiring to enter a school in another ~~[district]~~ complex area may be received or ~~[admitted]~~ enrolled upon producing a certificate of release from the school last attended in the other ~~[district,]~~ complex area.”

SECTION 3. Section 302A-1154, Hawaii Revised Statutes, is amended as follows:

1. By amending the title to read:

“**§302A-1154 Immunization upon ~~[entering]~~ attending school; tuberculosis clearance.**”

2. By amending subsection (b) to read:

“(b) No child shall ~~[be admitted to]~~ attend any school for the first time in the State unless the child presents to the appropriate school official documentation satisfactory to the department of health that the child has been examined and tested according to the rules of the department, and is free from tuberculosis in a communicable form.”

SECTION 4. Section 302A-1155, Hawaii Revised Statutes, is amended to read as follows:

“**§302A-1155 Provisional ~~[entrance to]~~ attendance at school.** (a) A child may ~~[enter]~~ attend school provisionally upon submitting written documentation from a licensed physician, physician assistant, advanced practice registered nurse, or an authorized representative of the department of health stating that the child is in the process of receiving the required immunizations. Further documentation showing that the required immunizations have been completed shall be submitted to the appropriate school official no later than three months after the child first ~~[entered]~~ attends the school. If all of the required immunizations cannot be completed within three months due to the length of the minimum intervals between doses of a particular vaccine required by the department of health, provisional ~~[admission]~~ attendance may be extended so long as the child’s parent or guardian provides documentation that appointments for required immunizations have been made and that progress toward completing the immunizations continues in accordance with the requirements of the department of health.

(b) Provisional ~~[entrance to]~~ attendance at school may be suspended by the department of health when there is danger of an epidemic from any of the communicable diseases for which immunization is required.”

SECTION 5. Section 302A-1159, Hawaii Revised Statutes, is amended to read as follows:

“**§302A-1159 Physical examination required.** No child shall ~~[be admitted to]~~ attend any school for the first time in the State unless the child presents to the appropriate school official a report from a licensed physician or advanced practice registered nurse of the results of a physical examination performed within a year of the date of ~~[entry into]~~ attendance at school. A child may ~~[enter]~~ attend

school provisionally upon submitting written documentation from a licensed physician, advanced practice registered nurse, or other authorized representative of the department of health stating that the child is in the process of undergoing a physical examination. Further documentation showing that the required physical examination has been completed shall be submitted to the appropriate school official no later than three months after the child first ~~entered~~ attends the school.”

SECTION 6. Section 302A-1161, Hawaii Revised Statutes, is amended to read as follows:

**“§302A-1161 Notification for noncompliance.** If a child does not complete the immunizations required under section 302A-1154 or the physical examination required under section 302A-1159 within the period provided by section 302A-1155 after provisional ~~entry into~~ attendance at school, the administrator of the school shall cause a notice to be sent to the parent or guardian of the child stating that if the required immunizations or physical examination is not completed within thirty days of the date of the notice, the child shall not be ~~admitted~~ permitted to attend school.”

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved April 15, 2014.)