

ACT 76

S.B. NO. 2768

A Bill for an Act Relating to Kindergarten.

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

SECTION 1. The legislature finds that many studies show the importance of early childhood education. A federal Department of Education study reports that all kindergarteners increase their knowledge and skills regardless of how much they knew prior to enrollment. Kindergarteners are expected to and often do leave kindergarten knowing how to read and write. First graders who did not go to kindergarten are typically behind their peers in their academic and social development and are more likely to fail a grade in elementary school. Despite these compelling findings, kindergarten attendance is not mandatory in the State.

The purpose of this Act is to enhance the educational achievement of Hawaii's youth by making kindergarten attendance mandatory.

SECTION 2. Section 302A-411, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The department shall establish and maintain kindergartens with a program of instruction as a part of the public school system; provided that:

- (1) Attendance in kindergarten shall ~~[not]~~ be mandatory~~];~~, unless exempted by subsection (b) or section 302A-1132; and
- (2) Charter schools shall not be excluded from mandatory participation in the program.

(b) Beginning with the 2014-2015 school year, any parent, guardian, or other person having the responsibility for, or care of, a child who will be at least five years of age on or before July 31 of the school year [may attend a public school kindergarten.] shall enroll the child in a public school kindergarten unless the child is enrolled at a private school or the child's attendance is otherwise exempt under section 302A-1132."

SECTION 3. Section 302A-1132, Hawaii Revised Statutes, is amended to read as follows:

~~“[§302A-1132]~~ **Attendance compulsory; exceptions.** (a) Unless excluded from school or excepted from attendance, all children who will have arrived at the age of at least ~~[six]~~ 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
- (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.

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

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

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2014.

(Approved May 1, 2014.)