
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that kindergarten is a
2 necessary part of a comprehensive early education. However, it
3 is not compulsory and, for a variety of reasons that are often
4 related to factors such as location and income level of the
5 family, some parents do not register their children for
6 kindergarten. Research indicates that the benefits of attending
7 kindergarten include the improvement of academic skills for
8 children and possible long-term benefits in the reduction of
9 criminal activity.

10 The purpose of this Act is to ensure equal access to
11 education for all children and to:

- 12 (1) Require children who are at least five years of age on
13 or before July 31 of the 2014-2015 school year to
14 attend kindergarten at a public or private school; and
15 (2) Lower the age for compulsory school attendance from
16 six years to five years.

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



1 1. By amending subsection (a) to read:

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

5 (1) Attendance in junior kindergarten shall not be
6 mandatory; [~~and~~]

7 (2) Attendance in kindergarten shall be mandatory; and

8 [~~(2)~~] (3) Charter schools shall be excluded from mandatory
9 participation in the junior kindergarten program."

10 2. By amending subsection (c) to read:

11 "(c) [~~Beginning with the 2004-2005 school year, a child~~
12 ~~who will be at least five years of age on or before December 31~~
13 ~~of the school year may attend a public school kindergarten.~~]

14 Beginning with the [~~2006-2007~~] 2014-2015 school year, a child
15 who is not attending a kindergarten program at a private school
16 and who will be at least five years of age on or before [August
17 ~~±] July 31 of the school year [may] shall attend a public school~~

18 kindergarten. Beginning with the [~~2006-2007~~] 2014-2015 school
19 year, a child who will be at least five years of age after
20 August 1 and before January 1 of the school year may attend a
21 public school junior kindergarten. [~~Beginning with the 2013-~~

22 ~~2014 school year, a child who will be at least five years of age~~



1 ~~on the first day of instruction may attend a public school~~
2 ~~kindergarten.] "~~

3 SECTION 3. Section 302A-411, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

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

8 (1) Attendance in a junior kindergarten program shall not
9 be mandatory; ~~[and]~~

10 (2) Attendance in kindergarten shall be mandatory; and

11 ~~[-(2-)]~~ (3) Charter schools shall be excluded from mandatory
12 participation in the junior kindergarten program.

13 (b) Beginning with the 2014-2015 school year, a child who
14 will be at least five years of age on July 31 of the school year
15 ~~[may]~~ shall attend a public school kindergarten."

16 SECTION 4. Section 302A-1132, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) Unless excluded from school or excepted from
19 attendance, all children who will have arrived at the age of at
20 least ~~[six]~~ five years ~~[7]~~ on or before July 31 of any school
21 year and who will not have arrived at the age of eighteen years,
22 by January 1 of any school year, shall attend either a public or



1 private school for, and during, the school year, and any parent,
2 guardian, or other person having the responsibility for, or care
3 of, a child whose attendance at school is obligatory shall send
4 the child to either a public or private school. Attendance at a
5 public or private school shall not be compulsory in the
6 following cases:

7 (1) Where the child is physically or mentally unable to
8 attend school (deafness and blindness excepted), of
9 which fact the certificate of a duly licensed
10 physician shall be sufficient evidence;

11 (2) Where the child, who has reached the fifteenth
12 anniversary of birth, is suitably employed and has
13 been excused from school attendance by the
14 superintendent or the superintendent's authorized
15 representative, or by a family court judge;

16 (3) Where, upon investigation by the family court, it has
17 been shown that for any other reason the child may
18 properly remain away from school;

19 (4) Where the child has graduated from high school;

20 (5) Where the child is enrolled in an appropriate
21 alternative educational program as approved by the
22 superintendent or the superintendent's authorized



1 representative in accordance with the plans and
2 policies of the department, or notification of intent
3 to home school has been submitted to the principal of
4 the public school that the child would otherwise be
5 required to attend in accordance with department rules
6 adopted to achieve this result; or

7 (6) Where:

8 (A) The child has attained the age of sixteen years;

9 (B) The principal has determined that:

10 (i) The child has engaged in behavior which is
11 disruptive to other students, teachers, or
12 staff; or

13 (ii) The child's non-attendance is chronic and
14 has become a significant factor that hinders
15 the child's learning; and

16 (C) The principal of the child's school, and the
17 child's teacher or counselor, in consultation
18 with the child and the child's parent, guardian,
19 or other adult having legal responsibility for or
20 care of the child, develops an alternative
21 educational plan for the child. The alternative



1 educational plan shall include a process that
 2 shall permit the child to resume school.
 3 The principal of the child's school shall file the
 4 plan made pursuant to subparagraph (C) with the
 5 child's school record. If the adult having legal
 6 responsibility for or care of the child disagrees with
 7 the plan, then the adult shall be responsible for
 8 obtaining appropriate educational services for the
 9 child."

10 SECTION 5. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval;
 13 provided that section 2 of this Act shall take effect on July 1,
 14 2014.

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INTRODUCED BY:

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H.B. NO. 2419

Report Title:

Education; Compulsory Age; Kindergarten

Description:

Requires children that are at least five years of age on or before July 31 of the 2014-2015 school year to attend a public or private school kindergarten. Lowers the age for compulsory school attendance from six years of age to five years of age.

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