THE SENATE
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

S.B. NO. 1384 S.D. 1

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

SECTION 1. 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.

The purpose of this Act is to enhance the educational achievement of Hawaii's youth by requiring that all children ages four to six years be assessed prior to entrance to the first grade.

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§302A- Entrance to first grade; assessment.** (a) Beginning with the 2014-2015 school year, a child between four

and six years of age on or before August 1 of the school year who has attended a kindergarten program pursuant to section 302A-411 or a private kindergarten program shall be assessed prior to entrance to first grade. The assessment shall be conducted by a qualified teacher with an early childhood education background to certify that the child is prepared to enter the first grade.

(b) All assessments conducted pursuant to subsection (a) by a private kindergarten program shall be certified by the Hawaii Association of Independent Schools or the early learning council prior to a child's entrance to the first grade.

(c) Beginning with the 2014-2015 school year, as a prerequisite to entering first grade, a child who will be at least five years of age on or before August 1 of the school year who did not attend any type of kindergarten program shall be assessed by qualified department of education personnel to ensure the child is prepared to enter the first grade. Based on the results of the assessment, the child shall be placed in the academically appropriate grade."

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

"(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. Schools shall not move students between junior kindergarten and kindergarten, except in cases where the movement is warranted and based on appropriate assessments determined by:

(1) A qualified teacher with early childhood education background or experience; and

(2) The formative and summative assessment of a student's academic, physical, social, and emotional abilities[~~,~~]; provided that, beginning with the [~~2010-2011~~] 2014-2015 school year, [~~the department shall use successful assessment tools and protocols for determining a student's initial placement and for decision making about a student's movement between tiers and into grade one. Junior~~] junior kindergarten students may graduate directly to grade one [~~when promotion is based on appropriate assessments and other progress data collected over time~~] if the students meet the requirements of section 302A- .

(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 on or before [~~January 1~~] December 31 of the school year may attend a public school junior kindergarten. Beginning with the 2013-2014 school year, a child who will be at least five years of age on the first day of instruction may attend a public school kindergarten."

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

"(a) Unless excluded from school or excepted from attendance, all children who will have arrived at the age of at least six years, and who will not have arrived at the age of eighteen years, [~~by January 1~~] on or before December 31 of any school year, shall attend either a public or private school for, and during, the school year[~~, and any~~]. 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~~] <u>that</u> 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

1 responsibility for or care of the child disagrees with
2 the plan, then the adult shall be responsible for
3 obtaining appropriate educational services for the
4 child."
5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.
7 SECTION 6. This Act shall take effect upon its approval;
8 provided that sections 2 and 3 shall take effect on July 1,
9 2014.
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Report Title:
Mandatory Kindergarten Attendance

Description:
Beginning with the 2014-2015 school year, requires children who attend public or private kindergarten programs to be assessed by an early learning educator at the kindergarten prior to entering first grade to ensure the child is qualified to enter the first grade. Requires any assessment conducted by a private kindergarten program to be certified by the Hawaii Association of Independent Schools or the early learning council. Requires children who do not attend kindergarten to be assessed by the department of education prior to entering first grade in a public school. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.