

Instructions for Completing OCISS Form 4140

§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 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. [L 1996, c89, pt of §2 and am c 162, §2]

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§8-12-5 Procedures for exceptions due to disabilities.

- (a) A parent whose child is physically or mentally unable to attend school, deafness and blindness excepted, shall complete and submit Form 4140, Exceptions to Compulsory Education, to the local public school.
- (b) A parent, whose child is physically or mentally unable to attend school, deafness and blindness excepted, shall also submit sufficient evidence of the identified disabilities to the local public school. A certificate from a duly licensed physician shall be sufficient evidence.
- (c) The district superintendent may approve withdrawal from school for exceptions due to identified disabilities.
- (d) Requests for exceptions due to identified disabilities shall be renewed annually. [Eff. 11/7/91; am and comp 5/13/00] (Auth: HRS §§302A-1112, 302A-1132) (Imp: HRS §302A-1132)

§8-12-6 Procedures for exceptions due to employment.

- (a) A parent whose child has reached the fifteenth anniversary of birth and is suitably and lawfully employed shall complete and submit Form 4140, Exceptions to Compulsory Education, to the local public school for the principal's recommendation as to whether the exception should be granted. The form shall then be submitted to the district superintendent for approval.
- (b) A family court judge may also approve an exception due to employment.
- (c) The student to be exempted from attendance shall be employed full-time for a minimum of forty hours per week.
- (d) The student's employer shall notify the school within three days if employment is terminated. The student shall return to the school unless the student provides the principal with verification of new employment.
- (e) Requests for exception due to employment shall be renewed annually. [Eff. 11/7/91; am and comp 5/13/00] (Auth: HRS §§302A-1112, 302A-1132) (Imp: HRS §302A-1132)

§8-12-7 Procedures for exceptions due to family court order.

- (a) Approval for exceptions due to family court order shall be authorized by a family court judge.
- (b) The approval of the family court judge shall be obtained on Form 4140, Exceptions to Compulsory Education, and submitted to the local public school.
- (c) Requests for an exception due to family court order shall be reviewed and renewed annually. [Eff. 11/7/91; am and comp 5/13/00] (Auth: HRS §§302-A-1112, 302A-1132) (Imp: HRS §302A-1132)

§8-12-8 Procedures for exceptions for alternative educational programs, other than home schooling.

- (a) The parent of a child requesting a compulsory attendance exception for an alternative educational program other than home schooling shall complete and submit Form 4140, Exceptions to Compulsory Education, to the local public school.
- (b) For purposes of this chapter, enrollment in a private school's home study school program shall not be construed as equivalent to attendance at a private school.

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- (c) The parent requesting an exception under this section shall submit to the local public school principal a planned curriculum for the child along with the Form 4140. The curriculum shall be structured and based on educational objectives as well as the needs of the child, be cumulative and sequential, provide a range of up-to-date knowledge and needed skills, and take into account the interests, needs and abilities of the child. The submittal shall include the following:
- (1) The commencement date and ending date of the program;
 - (2) The number of hours per week the child will spend in instruction which shall average approximately three hours per school day;
 - (3) The subject areas to be covered in the planned curriculum:
 - (A) An elementary school curriculum may include the areas of language arts, mathematics, social studies, science, art, music, health and physical education to be offered at the appropriate development stage of the child.
 - (B) A secondary school curriculum may include the subject areas of social studies, English, mathematics, science, health, physical education and guidance.
 - (4) The method used to determine mastery of materials and subjects in the curriculum; and
 - (5) A list of textbooks or other instructional materials which will be used. The list shall be in standard bibliographical format. For books, the author, title, publisher and date of publication shall be indicated. For magazines the author, article title, magazine, date, volume number and page shall be indicated.
- (d) The superintendent or the superintendent's designee may approve withdrawal from school where an appropriate educational program other than home schooling is developed for the child in accordance with the plans and policies of the department.
- (e) A request for an exception for an alternative educational program other than home schooling shall be renewed annually.
- (f) Further exceptions to the provisions of this chapter [chapter 8-12] concerning a child's alternative educational program may be granted by the superintendent upon the written request of the parent and the recommendations of the principal and the district superintendent. [Eff. 11/7/91; am and comp 5/13/00] (Auth: HRS §§302A-1112, 302A-1132) (Imp: HRS §302A-1132)

Form 4140 Homeschooling Instruction

Notification of Intent to Home School

1. All parents choosing to home school their children must notify the local public school principal by:
 - a. Completing Form OCISS 4140 (Rev. 8/11), Exceptions to Compulsory Education (**Top portion** with student information: name, student ID number, birth date, telephone number, address, school, complex area, grade; **Section A** name of parent/guardian, signature and date; and **Section B** indicating with an "X" "Homeschooling" and inserting the date); **or**
 - b. Submitting a letter with a statement of intent to home school the child(ren) and containing the following information:
 - Name, address, and telephone number of the child;
 - Birth date and grade level of the child; and
 - Signature of the parent and date of signature.
2. The school and district office acknowledge the notice of intent submitted by the parents by:
 - a. Sending the parents a copy of Form OCISS 4140 after it is signed by the principal and complex area superintendent. (Principal and complex area superintendent check "Acknowledged" and not "Approval Recommended" or "Approval Note Recommended"); **or**
 - b. Writing "**Acknowledged:**" on the bottom of the parent's letter of notification with the date and signature of the principal and complex area superintendent, and returning the letter to the parent. Copies of the letter should be kept on file at the school and district office.
3. The notice of intent to home school a child is for record keeping purposes and to protect families from unfounded accusations of educational neglect or truancy. The principal and the complex area superintendent are acknowledging receipt and not granting permission.

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4. As long as parents are complying with the annual progress monitoring requirement (§8-12-18(b)), they do not have to resubmit the notification of intent to home school their child on an annual basis. However, another notification of intent must be submitted when the child is transferring from one local public school to another, for example, transition from the culminating fifth or sixth grade in elementary school to sixth or seventh grade at middle or an intermediate school, or moving from district to district. Parents should also contact the school if they are moving out of state so that their child(ren)'s name(s) can be removed from the state home school roster.



State of Hawaii
 DEPARTMENT OF EDUCATION
 Office of Curriculum, Instruction and
 Student Support
 P.O. Box 2360
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EXCEPTIONS TO COMPULSORY EDUCATION

STUDENT _____ Student I.D. No. _____ Birth Date _____ Age _____
Last First Middle

Telephone Number _____ Address _____
Street City Zip

School _____ Complex Area _____ Grade _____

A. I hereby request that the above named child be withdrawn from school for the _____ school year in accordance with HRS §302A-1132.

Father/Guardian _____ (print or type name) _____ Signature _____ Date _____

Mother/Guardian _____ (print or type name) _____ Signature _____ Date _____

B. Indicate with an "X" the reason for withdrawal. Choose one (1) option.

	PHYSICAL OR MENTAL REASON(S) Attach certificate of duly licensed physician.
	SUITABLE EMPLOYMENT After age 15. Attach verification of minor's employment status.
	FAMILY COURT Attach verification.
	HOMESCHOOLING The above named child will be homeschooled from _____ (Date)
	ALTERNATIVE EDUCATION Attach professional staff qualifications and child's instructional program. Program Name and Address _____ Phone _____

Approval (Page 1 of the original sent to parents and copy filed at the school of record.)

Principal	Complex Area Superintendent
_____ Approval Recommended	_____ Approval Recommended
_____ Approval Not Recommended	_____ Approval Not Recommended
_____ Acknowledged	_____ Acknowledged
Signature	Signature
Date	Date