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# A BILL FOR AN ACT

RELATING TO EARLY EDUCATION.

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

1           SECTION 1. The legislature finds that pursuant to Act 219,  
2 Session Laws of Hawaii, a two-tier junior kindergarten and  
3 kindergarten program was established with the requirement that  
4 developmentally appropriate curriculum be implemented for each  
5 tier. The program to be established was intended to be flexible  
6 enough to allow junior kindergarten students who are ready to  
7 participate in kindergarten to do so and to allow students who  
8 require additional support to move from kindergarten to junior  
9 kindergarten. The department of education was tasked with  
10 assisting the schools in the development of the two-tier program  
11 with pilot strategies being encouraged during the 2005-2006  
12 school year and full implementation being required beginning  
13 with the 2006-2007 school year.

14           The legislature further finds that, since the law's  
15 enactment, curriculum for the two-tier program has not been  
16 clearly established for junior kindergarteners. Instead, junior  
17 kindergarteners are being taught the kindergarten curriculum, no



1 criteria was established for passing junior kindergartners to  
2 first grade, and junior kindergarteners are being permitted to  
3 go straight to first grade, despite the fact that they may be  
4 ill-prepared or need further support or assistance before  
5 transitioning. It was the legislature's intent to provide for a  
6 curriculum that specifically addressed the needs of junior  
7 kindergarteners, as children of ages four and five possess  
8 differing skill sets and social and emotional maturity levels.

9 The purpose of this Act is to:

- 10 (1) Prohibit the moving of junior kindergarten and  
11 kindergarten students between tiers;
- 12 (2) Prohibit a junior kindergartener from directly  
13 graduating to first grade;
- 14 (3) Ensure that a separate curriculum is established for  
15 the junior kindergarten program;
- 16 (4) Require the department of education to staff junior  
17 kindergartens with qualified preschool teachers and  
18 preschool teacher aides;
- 19 (5) Require the Hawaii teacher standards board to develop  
20 standards for teachers and teacher aides assigned to  
21 junior kindergarten classrooms; and



1 (6) Appropriate funds for the implementation of a junior  
2 kindergarten program that achieves a ten to one  
3 student ratio.

4 SECTION 2. Section 302A-411, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§302A-411 Junior kindergarten and kindergarten program;**  
7 **establishment; attendance.** (a) The department shall establish  
8 and maintain junior kindergartens and kindergartens with a  
9 program of instruction as a part of the public school system;  
10 provided that:

11 (1) Attendance shall not be mandatory; and

12 (2) Charter schools shall be excluded from mandatory  
13 participation in the program.

14 (b) The department shall establish a two-tier junior  
15 kindergarten and kindergarten program to support the range of  
16 developmental abilities of children in junior kindergarten and  
17 kindergarten. ~~[Any school may move students between junior  
18 kindergarten and kindergarten as the school deems appropriate.  
19 Junior kindergarten students may graduate directly to grade  
20 one.]~~ The program shall include separate curricula for junior  
21 kindergarten and kindergarten students that is narrowly tailored  
22 to the specific needs and abilities of students in each tier.



1 In developing the curriculum for each tier, the department may  
2 review and consider the use of existing preschool curriculum.

3 The program shall include any or all of the following models:

4 (1) Classrooms composed exclusively of either junior  
5 kindergarten or kindergarten students; and

6 (2) Coordination with public, private, or public-private  
7 entities to address the needs of junior kindergarten-  
8 eligible students within the school's community[~~and~~

9 ~~(3) The blending of junior kindergarten and kindergarten~~  
10 ~~students in a single classroom].~~

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

14 Beginning with the 2006-2007 school year, a child who will be at  
15 least five years of age on or before August 1 of the school year  
16 may attend a public school kindergarten. Beginning with the  
17 2006-2007 school year, a child who will be at least five years  
18 of age after August 1 and before January 1 of the school year  
19 may attend a public school junior kindergarten.

20 (d) The department shall create the categories of  
21 qualified preschool teachers and preschool teacher aides to be  
22 applied to preschool teachers and preschool teacher aides to be



1 hired for junior kindergartens beginning with the 2008-2009  
2 school year. The qualifications of preschool teachers and  
3 preschool teacher aides to be hired shall be as follows:

4 (1) Preschool teachers who are hired for junior  
5 kindergarten shall have, at a minimum, a bachelor's  
6 degree from an accredited teacher preparation program;

7 and

8 (2) Preschool teacher aides who are hired for junior  
9 kindergarten shall have, at a minimum, an associate's  
10 degree in early childhood education from an accredited  
11 program.

12 [~~d~~] (e) The department may accept gifts to establish and  
13 maintain junior kindergartens and kindergartens."

14 SECTION 3. Section 302A-803, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§302A-803 Powers and duties of the board.** In addition to  
17 establishing standards for the issuance and renewal of licenses  
18 and any other powers and duties authorized by law, the board's  
19 powers shall also include:

20 (1) Setting and administering its own budget;



- 1           (2) Adopting, amending, repealing, or suspending the
- 2           policies, standards, or rules of the board in
- 3           accordance with chapter 91;
- 4           (3) Receiving grants or donations from private
- 5           foundations, and state and federal funds;
- 6           (4) Submitting an annual report to the governor and the
- 7           legislature on the board's operations and from the
- 8           2007-2008 school year, submitting a summary report
- 9           every five years of the board's accomplishment of
- 10          objectives, efforts to improve or maintain teacher
- 11          quality, and efforts to keep its operations responsive
- 12          and efficient;
- 13          (5) Conducting a cyclical review of standards and
- 14          suggesting revisions for their improvement;
- 15          (6) Establishing licensing fees in accordance with chapter
- 16          91, including the collection of fees by means of
- 17          mandatory payroll deductions, which shall subsequently
- 18          be deposited into the state treasury and credited to
- 19          the Hawaii teacher standards board special fund;
- 20          (7) Establishing penalties in accordance with chapter 91;
- 21          (8) Issuing, renewing, revoking, suspending, and
- 22          reinstating licenses;



- 1 (9) Reviewing reports from the department on individuals  
2 hired on an emergency basis;
- 3 (10) Applying licensing standards on a case-by-case basis  
4 and conducting licensing evaluations;
- 5 (11) Preparing and disseminating teacher licensing  
6 information to schools and operational personnel;
- 7 (12) Approving teacher preparation programs;
- 8 (13) Administering reciprocity agreements with other states  
9 relative to licensing;
- 10 (14) Conducting research and development on teacher  
11 licensure systems, beginning teacher programs, the  
12 assessment of teaching skills, and other related  
13 topics;
- 14 (15) Participating in efforts relating to teacher quality  
15 issues, conducting professional development related to  
16 the board's standards, and promotion of high teacher  
17 standards and accomplished teaching; [~~and~~]
- 18 (16) Developing standards for teachers and teacher aides  
19 assigned to a junior kindergarten classroom. In the  
20 development of the standards, the board shall  
21 consider:
- 22 (A) The existing teacher applicant pool;



1           (B) Requiring a bachelor's degree in elementary  
2           education with an endorsement in early childhood  
3           education for junior kindergarten teachers;

4           (C) Requiring an associate's degree in early  
5           childhood education for junior kindergarten  
6           teacher aides; and

7           (D) Specialized preschool education training  
8           necessary for assignment to the junior  
9           kindergarten program; and

10        ~~[(16)]~~ (17) Adopting applicable rules and procedures."

11        SECTION 4. The department of education shall complete the  
12        planning and development of the appropriate curriculum for the  
13        junior kindergarten program and submit findings and  
14        recommendations to the legislature on the planned curriculum,  
15        the requirements established for teachers and teacher aides by  
16        the Hawaii teacher standards board, and the facilities to be  
17        used for the junior kindergarten program no later than twenty  
18        days prior to the beginning of the regular session of 2008.

19        SECTION 5. There is appropriated out of the general  
20        revenues of the State of Hawaii the sum of \$                   , or so  
21        much thereof as may be necessary for fiscal year 2007-2008, and  
22        the same sum, or so much thereof as may be necessary for fiscal



1 year 2008-2009, for implementation of the junior kindergarten  
2 program as established pursuant to this Act that allows a  
3 student to teacher ratio of ten to one to be achieved.

4 The sums appropriated shall be expended by the department  
5 of education for the purposes of this Act.

6 SECTION 6. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on July 1, 2007.

9

INTRODUCED BY:



JAN 23 2007



**Report Title:**

Junior Kindergarten; Curriculum; Teachers and Teachers Aides;  
Appropriation

**Description:**

Prohibits the moving of junior kindergarten and kindergarten students between tiers; prohibits a junior kindergartener from directly graduating to first grade; ensures that separate curriculum is established for the junior kindergarten program; requires the department of education to staff junior kindergartens with qualified preschool teachers and preschool teacher aides; requires the Hawaii teacher standards board to develop standards for teachers and teacher aides assigned to junior kindergarten classrooms; and appropriates funds for the implementation of a junior kindergarten program that achieves a ten to one student ratio.

