



GOV. MSG. NO. 1037

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 10, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB613 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB613 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO EDUCATION.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

P R O C L A M A T I O N

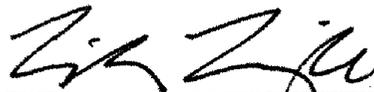
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 613, entitled "A Bill for an Act Relating to Education," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 613 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 613 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th
day of June, 2007.



LINDA LINGLE
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 613

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 613, entitled "A Bill for an Act Relating to Education."

This bill is objectionable because it prematurely requires the Department to make changes in early childhood education programs prior to the completion of the work of the legislatively mandated Early Learning Educational Task Force set up pursuant to Act 259 of 2006.

This bill directs the Department of Education to conduct an assessment on an individual kindergarten or junior kindergarten student's readiness for grade one based on a range of characteristics that will be developed by the Department. However, the Department of Education believes it will not be able to comply with this requirement and develop the assessment tool within the time constraints imposed by this measure.

Additionally, this bill directs the Department of Education to report to the Legislature before the regular

STATEMENT OF OBJECTIONS
SENATE BILL NO. 613
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session of 2008 on the planning and development of the appropriate curriculum for junior kindergarten and to submit its findings and recommendations on the planned junior kindergarten curricula, successful models, and assessments to be used in the placement of junior kindergarten and kindergarten students in the first grade, as well as the facilities to be used for junior kindergarten. Again, the Department of Education has stated that this deadline is unrealistic and that it will not be able to comply.

For the foregoing reasons, I am returning Senate Bill No. 613 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii

- 1 education eligible and general education students
- 2 three to five years of age;
- 3 (2) Promoting developmentally-appropriate junior
- 4 kindergarten and kindergarten programs with
- 5 appropriate student-to-teacher ratios, standards,
- 6 curricula, and assessments;
- 7 (3) Supporting the preparation and professional
- 8 development of early childhood educators and
- 9 administrators; and
- 10 (4) Increasing the availability of facilities for early
- 11 childhood education programs through the
- 12 identification of unused public school facilities.

PART II

SECTION 3. Section 302A-410, Hawaii Revised Statutes, is amended to read as follows:

"§302A-410 Quality early education plan. (a) The department plan for quality early education shall focus on children from ages four up to six years.

(b) The board shall adopt standards and criteria for quality early education based on current national standards and the needs of Hawaii's children. The standards and criteria shall provide the basis upon which the early education plan shall be developed.



1 (c) The department [~~of education~~] shall work cooperatively
2 with the department of human services, the department of health,
3 college level education programs, early education organizations,
4 parents of young children, and other appropriate organizations,
5 in developing a quality early education plan. The plan shall
6 include but not be limited to the following:

- 7 (1) Standards for curriculum, activities, facilities, and
8 teacher training for early childhood education;
- 9 (2) Methods and materials designed to involve and educate
10 parents and guardians in the education and development
11 of their young children;
- 12 (3) A timetable and implementation schedule, approved by
13 the board, to be submitted to the governor and the
14 legislature;
- 15 (4) Costs for delivery of early childhood services,
16 including how costs can be shared between the public
17 and private sectors; and
- 18 (5) Assessment of training and certification capacity of
19 teachers, including assurances by teacher training
20 institutions to recruit and graduate qualified staff
21 for early childhood education.

22 (d) Early education shall be delivered through private
23 providers to the maximum extent possible, and provision shall be

1 made to enable parents and guardians to opt for home care if
2 they so choose by providing early childhood education resources
3 in each school for in-home use.

4 (e) The department shall collaborate with parents and
5 private providers to encourage and enable inclusionary classes
6 with both special education eligible and general education
7 students three to five years of age, subject to available
8 resources and individualized education plans, including
9 consideration of the following options:

- 10 (1) Special education eligible preschool children may
11 receive services in private preschool programs located
12 both on departmental school sites and in the community
13 if required by their individualized education program;
- 14 (2) The facilities for providing early education offer a
15 variety of possibilities by working with partnership
16 options between the public and private offers;
- 17 (3) Special education personnel may provide services at
18 any site as provided in the individualized education
19 plans process; and
- 20 (4) Departmental special education preschool personnel may
21 provide services to general education preschool
22 students in their special education preschool
23 classrooms.



1 [~~e~~] (f) Beginning with the 1997-1998 school year, this
2 section shall be interpreted as though the term "certification"
3 read "licensing", as the term is used in part III, subpart D,
4 and as circumstances require."

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

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

12 (1) Attendance shall not be mandatory; and

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

15 (b) The department's kindergarten report card shall assess
16 an individual junior kindergarten or kindergarten student's
17 readiness for grade one based on a range of characteristics.

18 [~~b~~] (c) The department shall establish a two-tier junior
19 kindergarten and kindergarten program to support the range of
20 developmental abilities of children in junior kindergarten and
21 kindergarten. Any school may move students between junior
22 kindergarten and kindergarten as the school deems appropriate.
23 Junior kindergarten students may graduate directly to grade one.



1 (d) The program shall include instructional strategies for
2 junior kindergarten and kindergarten students that meet the
3 needs and abilities of students.

4 (e) The program shall include any or all of the following
5 models:

- 6 (1) Classrooms composed exclusively of either junior
- 7 kindergarten or kindergarten students;
- 8 (2) Coordination with public, private, or public-private
- 9 entities to address the needs of junior [~~kindergarten-~~
- 10 eligible] kindergarten and preschool-age special
- 11 education students within the school's community; and
- 12 (3) The blending of junior kindergarten and kindergarten
- 13 students in a single classroom.

14 [~~(e)~~] (f) Beginning with the 2004-2005 school year, a
15 child who will be at least five years of age on or before
16 December 31 of the school year may attend a public school
17 kindergarten. Beginning with the 2006-2007 school year, a child
18 who will be at least five years of age on or before August 1 of
19 the school year may attend a public school kindergarten.
20 Beginning with the 2006-2007 school year, a child who will be at
21 least five years of age after August 1 and before January 1 of
22 the school year may attend a public school junior kindergarten.

1 (g) The department may give preference to qualified
2 teachers to be placed in junior kindergarten and kindergarten
3 programs beginning in the 2008-2009 school year, who have early
4 childhood education credentials and experience as follows:

5 (1) Early childhood education, program level PK-3, as
6 licensed by the Hawaii teacher standards board;

7 (2) Elementary education, program level K-6, as licensed
8 by the Hawaii teacher standards board, with additional
9 coursework leading to a certificate in early childhood
10 education; or

11 (3) Special education, program level K-12, as licensed by
12 the Hawaii teacher standards board, with additional
13 coursework leading to a certificate in early childhood
14 education;

15 provided that the preference shall not violate any collective
16 bargaining agreement executed between the public employer and
17 the exclusive representative of bargaining unit (5). The
18 department shall ensure that school administrators of junior
19 kindergarten and kindergarten programs receive professional
20 development in best practices for effective leadership of all
21 kindergarten programs.

22 ~~[(d)]~~ (h) The department may accept gifts to establish and
23 maintain junior kindergartens and kindergartens."



1 SECTION 5. The department of education, no later than
2 twenty days prior to the convening of the regular session of
3 2008, shall:

4 (1) Complete the planning and development of the
5 appropriate curriculum for the junior kindergarten
6 program; and

7 (2) Submit its findings and recommendations to the
8 legislature on the planned junior kindergarten
9 curricula, successful models, and assessments to be
10 used in the placement and movement of students between
11 junior kindergarten, kindergarten, and first grade, as
12 well as facilities to be used for junior kindergarten.

13 PART III

14 SECTION 6. The legislature recognizes that a 2002 public-
15 private initiative entitled "pre-plus" resulted in the
16 development of seventeen additional preschool classroom
17 facilities on public elementary school campuses. The department
18 of education, department of human services, and department of
19 accounting and general services collaborated with private early
20 childhood education providers to increase the availability of
21 early education opportunities for over three hundred fifty
22 four-year-old children with high needs. However, more support
23 is needed to increase the supply of suitable classrooms for



1 early childhood programs statewide by expanding existing
2 pre-plus facilities on public school campuses, increasing the
3 number of public school campuses with pre-plus facilities, and
4 creating off-campus pre-plus facilities through the involvement
5 of and partnerships with the private sector.

6 SECTION 7. Chapter 302A, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§302A- Early childhood education facilities; pre-plus.

10 (a) There is established the pre-plus program. The department
11 and the department of human services shall work collaboratively
12 to develop suitable pre-plus classrooms on department campuses
13 statewide, including conversion charter school campuses, for
14 early childhood education programs serving preschool-age
15 children between three and five years of age.

16 (b) The department shall coordinate site selection for
17 public school sites, with priority given to public school sites
18 that serve students predominantly of low socio-economic status
19 or with special needs who require full-inclusion opportunities,
20 or schools that are in restructuring under the federal No Child
21 Left Behind Act."

22 SECTION 8. Section 302A-1506.5, Hawaii Revised Statutes,
23 is amended to read as follows:



