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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 2004, 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, except under  
12 certain circumstances;
- 13 (2) Prohibit a junior kindergartener from directly  
14 graduating to first grade;
- 15 (3) Ensure that a separate curriculum is established for  
16 the junior kindergarten program;
- 17 (4) Require the department of education to staff junior  
18 kindergartens with qualified teachers with early  
19 childhood education backgrounds and experience and  
20 preschool teacher aides;
- 21 (5) Require the incorporation of the Hawaii preschool  
22 content standards for four-year olds;



1 (6) Appropriate funds for the implementation of a junior  
2 kindergarten program that achieves a student to  
3 teacher ratio of ten-to-one and not greater than  
4 fifteen-to-one; and

5 (7) Appropriate funds for a permanent educational  
6 specialist to focus on early childhood education  
7 issues.

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

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

15 (1) Attendance shall not be mandatory; and

16 (2) Charter schools shall be excluded from mandatory  
17 participation in the program.

18 (b) 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] No school [~~may~~] shall move students between  
22 junior kindergarten and kindergarten [~~as the school deems~~



1 ~~appropriate. Junior kindergarten students may graduate directly~~  
2 ~~to grade one.]~~, except in cases where the movement is based on  
3 appropriate assessments determined by:

4 (1) The professional judgment and experience of a  
5 qualified teacher with early childhood education  
6 background and experience; or

7 (2) The testing of a student's academic, physical, social,  
8 and emotional abilities;

9 provided that beginning with the 2008-2009 school year, the  
10 department shall use successful assessment guidelines for  
11 determining a student's placement and for decision making on a  
12 student's movement.

13 The program shall include separate curricula for junior  
14 kindergarten and kindergarten students that is tailored to the  
15 specific needs and abilities of students in each tier. In  
16 developing the curriculum for the junior kindergarten tier, the  
17 department shall incorporate the Hawaii preschool content  
18 standards for four-year olds and may review and consider the use  
19 of established preschool curriculum. The program shall include  
20 any or all of the following models:

21 (1) Classrooms composed exclusively of either junior  
22 kindergarten or kindergarten students; and



1           (2) Coordination with public, private, or public-private  
2           entities to address the needs of junior kindergarten-  
3           eligible students within the school's community[~~and~~  
4           ~~(3) The blending of junior kindergarten and kindergarten~~  
5           ~~students in a single classroom~~].

6           (c) Beginning with the 2004-2005 school year, a child who  
7           will be at least five years of age on or before December 31 of  
8           the school year may attend a public school kindergarten.  
9           Beginning with the 2006-2007 school year, a child who will be at  
10          least five years of age on or before August 1 of the school year  
11          may attend a public school kindergarten. Beginning with the  
12          2006-2007 school year, a child who will be at least five years  
13          of age after August 1 and before January 1 of the school year  
14          may attend a public school junior kindergarten.

15          (d) The department shall create the categories of  
16          qualified teachers with early childhood education backgrounds  
17          and experience and preschool teacher aides to be applied to  
18          teachers and preschool teacher aides to be hired for junior  
19          kindergartens beginning with the 2008-2009 school year. The  
20          qualifications of teachers and preschool teacher aides to be  
21          hired shall be as follows:



1        (1) Qualified teachers with early childhood education  
2        backgrounds and experience who are hired for junior  
3        kindergarten shall have, at a minimum, a bachelor's  
4        degree from an accredited teacher preparation program;  
5        and

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

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

12        SECTION 3. The department of education shall complete the  
13 planning and development of the appropriate curriculum for the  
14 junior kindergarten program and submit findings and  
15 recommendations to the legislature on the planned curriculum,  
16 information on successful models and a plan for using  
17 appropriate assessments for placement and decision making on  
18 movement between the junior kindergarten and kindergarten tiers  
19 and first grade, and the facilities to be used for the junior  
20 kindergarten program no later than twenty days prior to the  
21 convening of the regular session of 2008.



1 SECTION 4. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ , or so  
3 much thereof as may be necessary for fiscal year 2007-2008, and  
4 the same sum, or so much thereof as may be necessary for fiscal  
5 year 2008-2009, for implementation of the junior kindergarten  
6 program as established pursuant to this Act that endeavors to  
7 achieve a student to teacher ratio of ten-to-one and not greater  
8 than fifteen-to-one.

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

11 SECTION 5. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ , or so  
13 much thereof as may be necessary for fiscal year 2007-2008, and  
14 the same sum, or so much thereof as may be necessary for fiscal  
15 year 2008-2009, for the creation of 1.0 (FTE) permanent  
16 educational specialist position, which shall:

- 17 (1) Report directly to the superintendent of education;  
18 (2) Focus on early childhood education issues; and  
19 (3) Be responsible for policies, curriculum, and  
20 assessments relating to kindergarten, junior  
21 kindergarten, and other pre-kindergarten programs.



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

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

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



**Report Title:**

Junior Kindergarten; Curriculum; Teachers and Teachers Aides;  
Appropriation

**Description:**

Prohibits the moving of junior kindergarten and kindergarten students between tiers, except under certain circumstances; prohibits a junior kindergartener from directly graduating to first grade; ensures that a 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; and appropriates funds for the implementation of a junior kindergarten program that achieves a student teacher ratio of 10:1 and not more than 15:1 and for an educational specialist to focus on early childhood education issues. (SD1)

