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# A BILL FOR AN ACT

RELATING TO EARLY LEARNING.

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

1 SECTION 1. The purpose of this bill is to:

2 (1) Broaden the scope of the early learning program to  
3 include early childhood development;

4 (2) Expand the function of the early learning advisory  
5 board beyond an advisory capacity and amend the  
6 composition and powers of some board members; and

7 (3) Allow the board to appoint and evaluate the director  
8 of the executive office on early learning.

9 SECTION 2. Section 302L-1, Hawaii Revised Statutes, is  
10 amended as follows:

11 1. By adding two new definitions to be appropriately  
12 inserted and to read:

13 "Early learning" means developmentally appropriate early  
14 childhood development and education for children from prenatal  
15 care until the time they enter kindergarten.



1        "Early learning system" means a developmentally appropriate  
2 early childhood development and education system for children  
3 from prenatal care until the time they enter kindergarten."

4        2. By amending the definition of "advisory board" to read:

5        "~~"Advisory board"~~ "Board" means the early learning  
6 ~~[advisory]~~ board established pursuant to this chapter."

7        3. By amending the definition of "at-risk children" to  
8 read:

9        "'At-risk children" means children who, because of their  
10 home and community environment, are subject to language,  
11 cultural, economic, and other disadvantages that cause them to  
12 be at risk for school failure, including children:

- 13        (1) Who are eligible for special education services;  
14        (2) Who are English as a second language learners;  
15        (3) Who reside within a public school district,  
16        established under chapter 302A, that is in need of  
17        improvement based on the criteria of the federal No  
18        Child Left Behind Act of 2001 (Public Law 107-110), as  
19        amended; or  
20        (4) Whose family income is no more than ~~[two]~~ three  
21        hundred fifty per cent of the federal poverty level."



1 4. By amending the definition of "center-based" to read:

2 "Center-based" describes programs in which early  
3 ~~[childhood education and care]~~ learning services are provided in  
4 a facility, including private preschools, child care centers,  
5 and head start programs, licensed, or excluded or exempt from  
6 licensing, by the department of human services."

7 5. By amending the definition of "underserved children" to  
8 read:

9 "Underserved children" means children who have no access  
10 to, or are not qualified to attend, other early ~~[childhood~~  
11 ~~education]~~ learning programs and whose family income is no more  
12 than ~~[two]~~ three hundred fifty per cent of the federal poverty  
13 level."

14 6. By repealing the definition of "early childhood  
15 education".

16 ~~["Early childhood education" means a developmentally~~  
17 ~~appropriate early childhood development and education program~~  
18 ~~for children from birth until the time they enter~~  
19 ~~kindergarten."]~~

20 SECTION 3. Section 302L-1.5, Hawaii Revised Statutes, is  
21 amended by amending subsections (b) and (c) to read as follows:



1           "(b) The head of the executive office on early learning  
2 shall be known as the director of the executive office on early  
3 learning, hereinafter referred to as director. The director  
4 shall:

- 5           (1) Be appointed by the [~~governor,~~] board and evaluated  
6                 annually by the board;
- 7           (2) Have professional training in the field of social  
8                 work, education, or other related fields;
- 9           (3) Have direct experience in programs or services related  
10                to early [~~childhood education,~~] learning;
- 11           (4) Have recent experience in a supervisory, consultative,  
12                or administrative position;
- 13           (5) Be paid a salary set by the [~~governor~~] board that  
14                shall not exceed ninety per cent of the salary of the  
15                director of human resources development; and
- 16           (6) Be included in any benefit program generally  
17                applicable to the officers and employees of the State.

- 18           (c) The director shall be responsible for:
  - 19               (1) Serving as the principal officer in state government  
20                   responsible for the performance, development, and  
21                   control of programs, policies, and activities [~~related~~



1           ~~to a public private comprehensive early childhood~~  
2           ~~system for children,]~~ under the jurisdiction of the  
3           executive office on early learning from prenatal care  
4           to entrance into kindergarten;

5           (2) Overseeing, supervising, and directing the performance  
6           of the director's subordinates in various activities,  
7           including planning, evaluation, and coordination of  
8           early learning programs;

9           (3) Administering funds allocated for the office and  
10          applying for, receiving, and disbursing grants and  
11          donations from all sources for early learning programs  
12          and services;

13          (4) Assessing the policies and practices of other agencies  
14          impacting early learning and conducting advocacy  
15          efforts for early learning;

16          (5) Advising agencies on new legislation, programs, and  
17          policy initiatives relating to early learning;

18          (6) Employing and retaining staff as may be necessary for  
19          the purposes of this section; and

20          (7) Contracting for services that may be necessary for the  
21          purposes of this section, including through master



1           contracts, memoranda of understanding, and memoranda  
2           of agreement with other state agencies receiving  
3           federal and state funds for programs and services for  
4           early learning, and purchase of service agreements  
5           with appropriate agencies."

6           SECTION 4. Section 302L-1.6, Hawaii Revised Statutes, is  
7           amended to read as follows:

8           "~~§~~302L-1.6~~§~~ Early learning ~~advisory~~ board. (a)

9           There is established an early learning ~~advisory~~ board, whose  
10          members shall be appointed by the governor pursuant to section  
11          26-34. The board shall have power, in accordance with law, to  
12          formulate statewide policy relating to early learning. The  
13          ~~advisory~~ board shall be responsible for:

14          (1) ~~Advising~~ Directing the office on how best to meet  
15          the developmental and educational needs of children,  
16          from prenatal care to entry into kindergarten;

17          (2) Providing recommendations to the office on improving  
18          the quality, availability, and coordination of early  
19          ~~childhood care and education~~ learning programs;

20          (3) Promoting collaboration across agencies and  
21          stakeholders serving young children; and



1        [~~(4) Being an independent voice for children's health,~~  
2                ~~safety, development, and learning.]~~

3        (4) Appointing the director of the office and evaluating  
4                the director on an annual basis.

5        (b) The ~~[advisory]~~ board shall consist of the following  
6 voting members:

7            (1) A representative of center-based program providers or  
8                the representative's designee;

9            (2) A representative of family child care program  
10               providers;

11           (3) A representative of family-child interaction learning  
12               program providers;

13           (4) A representative of philanthropic organizations that  
14               support early learning or the representative's  
15               designee;

16           (5) A representative from a head start provider agency;

17           (6) A representative from the Hawaii Early Intervention  
18               Coordinating Council;

19           (7) A parent representative;

20           (8) A representative from the Hawaii chapter of the  
21               American Academy of Pediatrics;



1 (9) A representative of home-visiting program providers;

2 (10) A representative of Hawaiian medium early learning  
3 providers; and

4 (11) Two representatives of the Hawaii Council of Mayors or  
5 each representative's respective designee.

6 The superintendent of education, director of human  
7 services, director of health, and president of the University of  
8 Hawaii shall serve as ex officio, [~~voting~~] non-voting members of  
9 the [~~advisory~~] board.

10 The [~~advisory~~] board shall invite [~~the director of the~~  
11 ~~Hawaii head start state collaboration office,~~] the chief  
12 executive officer of Kamehameha Schools[~~7~~] and the executive  
13 director of the Hawaii Association of Independent Schools, or  
14 their designees, to serve as voting members of the [~~advisory~~]  
15 board.

16 (c) Except for the superintendent of education, directors  
17 of state departments, president of the University of Hawaii,  
18 [~~director of the Hawaii head start state collaboration office,~~]  
19 chief executive officer of Kamehameha Schools, and the executive  
20 director of the Hawaii Association of Independent Schools, or



1 their designees, the members of the [advisory] board shall serve  
2 staggered terms as follows:

- 3 (1) The representative of center-based program providers  
4 shall serve a two-year term;
- 5 (2) The representative of family child care program  
6 providers shall serve a three-year term;
- 7 (3) The representative of family-child interaction  
8 learning program providers shall serve a three-year  
9 term;
- 10 (4) The representative of philanthropic organizations that  
11 support early learning shall serve a two-year term;
- 12 (5) The representative from a head start provider agency  
13 shall serve a three-year term;
- 14 (6) The representative from the Hawaii Early Intervention  
15 Coordinating Council shall serve a three-year term;
- 16 (7) The parent representative shall serve a two-year term;
- 17 (8) The representative from the Hawaii chapter of the  
18 American Academy of Pediatrics shall serve a two-year  
19 term;
- 20 (9) The representative of home-visiting program providers  
21 shall serve a three-year term;



1 (10) The representative of Hawaiian medium early learning  
2 providers shall serve a two-year term; and

3 (11) Of the two representatives of the Hawaii Council of  
4 Mayors, one shall serve a two-year term, and the other  
5 shall serve a three-year term as determined by the  
6 Hawaii Council of Mayors.

7 (d) The [advisory] board shall select a chairperson by a  
8 majority vote of its voting members [~~7 provided that the~~  
9 ~~chairperson shall be a representative from the private sector~~].

10 A majority of the voting members serving on the advisory board  
11 shall constitute a quorum to conduct business. The concurrence  
12 of the majority of the voting members serving on the [advisory]  
13 board shall be necessary to make any action of the [advisory]  
14 board valid.

15 (e) The [advisory] board may form workgroups and  
16 subcommittees, including with individuals who are not [advisory]  
17 board members, to:

18 (1) Obtain resource information from early learning  
19 professionals and other individuals as deemed  
20 necessary by the [advisory] board;

21 (2) Make recommendations to the [advisory] board; and



1           (3) Perform other functions as deemed necessary by the  
2           [advisory] board to fulfill its duties and  
3           responsibilities.

4           Two or more [advisory] board members, but less than a  
5 quorum, may discuss matters relating to official [advisory]  
6 board business in the course of their participation in a  
7 workgroup or subcommittee, and such discussion shall be a  
8 permitted interaction as provided for in section 92-2.5.

9           (f) The [advisory] board may testify before the  
10 legislature on any matter related to its duties and  
11 responsibilities.

12           (g) Members of the [advisory] board shall serve without  
13 compensation but shall be reimbursed for expenses, including  
14 travel expenses, necessary for the performance of their duties."

15           SECTION 5. Section 302L-1.7, Hawaii Revised Statutes, is  
16 amended by amending its title to read as follows:

17           " [†] §302L-1.7 [†] Early [~~childhood education~~] learning  
18 facilities; pre-plus."

19           SECTION 6. Section 302L-2, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§302L-2 Early learning system[~~;~~ ~~keiki first steps~~].

2   There is established an early learning system[~~;~~ ~~to be known as~~

3 ~~keiki first steps~~], that shall ensure a spectrum of high-quality

4 early learning opportunities for children throughout the State,

5 from [~~birth~~] prenatal care until the time they enter

6 kindergarten, with priority given to underserved or at-risk

7 children. The early learning system shall be developed and

8 administered by the executive office on early learning to the

9 extent permissible by law. The early learning system shall:

10           (1) Be widely accessible and voluntary for both those

11                served and program and service providers;

12           (2) Be a cohesive, comprehensive, and sustainable system

13                in which:

14                (A) All existing early learning programs and

15                    services, whether publicly- or privately-run,

16                    which consist of a variety of early learning

17                    approaches, service deliveries, and settings,

18                    including center-based programs, family child

19                    care programs, family-child interaction learning

20                    programs, and home-based instruction programs



1           designed to promote early learning, are  
2           coordinated, improved, and expanded;

3           (B) Public and private resources are maximized; and

4           (C) The use of public facilities for either publicly-  
5           or privately-run early learning programs is  
6           maximized;

7           (3) Provide high-quality early learning experiences with:

8           (A) Standards-based content and curriculum, and  
9           accountability; and

10          (B) Sufficient numbers of well-qualified educators  
11          and administrators who are fairly compensated and  
12          have access to continuing professional  
13          development;

14          (4) Offer opportunities for family and community  
15          engagement and parent education and support; and

16          (5) Be sensitive to family choice and cultural diversity."

17          SECTION 7. Section 302L-3.5, Hawaii Revised Statutes, is  
18          amended by amending its title and subsections (a) through (e) to  
19          read as follows:



1           "§302L-3.5 [~~Advisory board~~] Board meetings by  
2 teleconference. (a) Notwithstanding any law to contrary, the  
3 [~~advisory~~] board may meet by teleconference.

4           (b) Each member of the [~~advisory~~] board participating in a  
5 meeting by teleconference shall be considered present at the  
6 meeting for purposes of determining quorum and participating in  
7 all proceedings.

8           (c) A meeting by teleconference:

9           (1) Need not have a quorum present at any one location;

10           and

11           (2) Is subject to the notice requirements applicable to  
12 other [~~advisory~~] board meetings.

13           (d) The notice of each teleconference meeting shall  
14 specify all physical locations from which members of the  
15 [~~advisory~~] board will participate. The notice shall also  
16 specify the physical location from which the presiding officer  
17 of the [~~advisory~~] board will preside. All physical  
18 teleconference locations shall be open to the public during the  
19 open portion of the meeting.



1 (e) [~~Advisory board~~] Board materials that are to be  
2 considered at the meeting shall be made available at all  
3 physical teleconference locations."

4 SECTION 8. Section 302L-4, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§302L-4 [~~Keiki first steps grant~~] Grant program;  
7 establishment. (a) There is established, as part of the early  
8 learning system, [~~the keiki first steps~~] a grant program, to be  
9 developed by the office [~~and administered by the department of~~  
10 ~~human services~~]. The program shall increase early learning  
11 opportunities that meet high standards of quality through the  
12 awarding of grants to publicly- or privately-run:

- 13 (1) Center-based programs for three- and four-year-old  
14 children; and  
15 (2) Family child care programs, family-child interaction  
16 learning programs, and other early learning programs  
17 and services regardless of the age of children served.

18 (b) Eligibility criteria for grants. The [~~department of~~  
19 ~~human services~~] office may award grants [~~for the keiki first~~  
20 ~~steps grant program~~] based on criteria that shall be developed  
21 by the office. The criteria shall include the requirement that



1 early learning programs and services meet certain standards of  
2 quality, including:

3 (1) The implementation of evidence-based and culturally  
4 responsive models of service delivery;

5 (2) The use of evidence-based curricula and methods;

6 (3) Minimum scheduling requirements, as follows:

7 (A) For center-based programs: providing services  
8 for a full school day and full school year;

9 (B) For family child care programs: providing  
10 services for three hours daily for a full school  
11 year;

12 (C) For family-child interaction learning programs  
13 operating in classroom-like settings: providing  
14 early learning activities at least twice a week  
15 for a full school year, and for a minimum of  
16 three hours each day; and

17 (D) For home-based instruction programs: providing  
18 early learning activities for no fewer than  
19 thirty weeks within a school year;

20 (4) Staff-to-child ratios and group size that meet or  
21 exceed nationally recommended standards;



- 1           (5) The employment of teachers and administrators who meet
- 2                   the qualifications required by the office;
- 3           (6) The incorporation of preschool content standards or
- 4                   other early learning guidelines;
- 5           (7) The implementation of health and developmental
- 6                   screenings for children;
- 7           (8) Opportunities for parent or family engagement and
- 8                   parent education and support; and
- 9           (9) Activities for monitoring and data collection to
- 10                   evaluate early learning programs and services and
- 11                   inform best practices.

12           (c) Training; technical assistance; monitoring. The

13 ~~[department of human services]~~ office may offer technical

14 support to, and shall be responsible for monitoring to ensure

15 the accountability of programs and services within the [keiki

16 ~~first steps]~~ grant program, according to the standards developed

17 by the office."

18           SECTION 9. Section 302L-6, Hawaii Revised Statutes, is

19 amended to read as follows:



1           " [f] §302L-6 [f] Federal funds. The office may use and  
2    expend federal funds for the purpose of early [childhood  
3    ~~education.~~] learning."

4           SECTION 10. Section 302L-7, Hawaii Revised Statutes, is  
5    amended to read as follows:

6           " [f] §302L-7 [f] Executive office on early learning public  
7    prekindergarten program; public preschools. (a) There is  
8    established within the early learning system an early childhood  
9    education program to be known as the executive office on early  
10   learning public prekindergarten program and to be administered  
11   by the office pursuant to rules adopted by the office. The  
12   program shall:

- 13           (1) Be provided through the executive office on early  
14           learning, which may partner with the department of  
15           education;
- 16           (2) Prepare children for school and active participation  
17           in society through the use of either of the State's  
18           two official languages; and
- 19           (3) Provide access to high-quality early childhood  
20           education that addresses children's physical,



1 cognitive, linguistic, social, and emotional  
2 development.

3 (b) The program shall serve children in the year prior to  
4 the year of kindergarten eligibility, with priority extended to  
5 underserved or at-risk children, as defined in section 302L-1.  
6 ~~[The department of education may grant geographic exceptions for~~  
7 ~~children to attend prekindergarten outside their assigned~~  
8 ~~service area, as the department of education deems appropriate,~~  
9 ~~provided that the department of education shall grant a request~~  
10 ~~for geographic exception to attend a prekindergarten in another~~  
11 ~~service area if the request is based on the employment location~~  
12 ~~of the parent or guardian of the student.] Enrollment priority~~  
13 shall be given but is not limited to children who attend  
14 prekindergarten at schools to which the children will be  
15 assigned upon entering kindergarten under section 302A-1143.

16 (c) Enrollment in the program shall be voluntary. A child  
17 who is enrolled in, or is eligible to attend, a public  
18 elementary school, or who is required to attend school pursuant  
19 to section 302A-1132, shall not be eligible for enrollment in  
20 the program.



1 (d) The program shall incorporate high-quality standards  
2 pursuant to rules adopted by the office. High-quality standards  
3 shall be research-based, developmentally-appropriate practices  
4 associated with better educational outcomes for children, such  
5 as:

- 6 (1) Positive teacher-child interactions;
- 7 (2) Use of individual child assessments that are used for  
8 ongoing instructional planning, based upon all areas  
9 of childhood development and learning, including  
10 cognitive, linguistic, social, and emotional  
11 approaches to learning and health and physical  
12 development;
- 13 (3) Family engagement; and
- 14 (4) Alignment with the Hawaii early learning and  
15 development standards, which align with department of  
16 education standards, state content and performance  
17 standards, and general learner outcomes for grades  
18 kindergarten to twelve, to facilitate a seamless and  
19 high-quality educational experience for children.

20 The office shall monitor implementation of the high-quality  
21 educational experience for children.



1        (e) Prior to opening a public prekindergarten class in a  
2 school, the principal, and other school personnel as required by  
3 the executive office on early learning, shall participate in an  
4 early learning induction program.

5        [~~e~~] (f) The office shall provide support to incorporate  
6 these high-quality standards, including support related to  
7 teacher-child interactions, individual child assessments, and  
8 family engagement.

9        [~~f~~] (g) The office shall coordinate with other agencies  
10 and programs to facilitate comprehensive services for early  
11 childhood education.

12        [~~g~~] (h) The office shall collect data to:

- 13        (1) Evaluate the services provided;  
14        (2) Inform policy; and  
15        (3) Make any improvements to the program.

16        [~~h~~] (i) The department of education and any public  
17 charter school existing pursuant to chapter 302D, may use  
18 available classrooms for public preschool programs statewide.  
19 The office shall give priority to public charter schools that  
20 serve high populations of underserved or at-risk children.  
21 Preschool classrooms established pursuant to this section shall



1 be in addition to any classrooms used for the pre-plus program  
2 established pursuant to section 302L-1.7.

3 ~~(i)~~ (j) The office shall adopt rules pursuant to chapter  
4 91 necessary to carry out the purposes of this section,  
5 including compliance with all applicable state and federal  
6 laws."

7 SECTION 11. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 12. This Act shall take effect upon its approval.

10

INTRODUCED BY:

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# S.B. NO. 687

**Report Title:**

Executive Office on Early Learning; Early Learning System; Early Learning Advisory Board

**Description:**

Broadens the scope of the early learning program to include early childhood development. Expands the function of the early learning advisory board beyond an advisory capacity and amends the composition and powers of some board members. Allows the board to appoint the director of the executive office on early learning.

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

