

JAN 19 2018

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# A BILL FOR AN ACT

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RELATING TO EARLY LEARNING.

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

1       SECTION 1. The purpose of this Act is to repeal the  
2 amendments made to the early learning system law by Act 202,  
3 Session Laws of Hawaii 2017.

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

6       1. By adding a new definition to be appropriately inserted  
7 and to read as follows:

8       "Early childhood education" means a developmentally  
9 appropriate early childhood development and education program  
10 for children from birth until the time they enter kindergarten."

11       2. By amending the definition of "at-risk children" to  
12 read:

13       "At-risk children" means children who, because of their  
14 home and community environment, are subject to language,  
15 cultural, economic, and other disadvantages that cause them to  
16 be at risk for school failure, including children:

17       (1) Who are eligible for special education services;



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(2) Who are English as a second language learners;

(3) Who reside within a public school district, established under chapter 302A, that is in need of improvement based on the criteria of the federal No Child Left Behind Act of 2001 (Public Law 107-110), as amended; or

(4) Whose family income is no more than ~~[three]~~ two hundred fifty per cent of the federal poverty level."

3. By amending the definition of "board" to read:

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

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

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

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

"Underserved children" means children who have no access to, or are not qualified to attend, other early ~~[learning]~~



1 childhood education programs and whose family income is no more  
2 than [~~three~~] two hundred fifty per cent of the federal poverty  
3 level."

4 6. By repealing the definitions of "early learning" and  
5 "early learning system".

6 [~~"Early learning" means developmentally appropriate early~~  
7 ~~childhood development and education for children from prenatal~~  
8 ~~care until the time they enter kindergarten.~~

9 ~~"Early learning system" means a developmentally appropriate~~  
10 ~~early childhood development and education system for children~~  
11 ~~from prenatal care until the time they enter kindergarten."]~~

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

14 "(b) The head of the executive office on early learning  
15 shall be known as the director of the executive office on early  
16 learning, hereinafter referred to as director. The director  
17 shall:

18 (1) Be appointed [~~and evaluated annually~~] by the [~~board,~~]  
19 governor;

20 (2) Have professional training in the field of social  
21 work, education, or other related fields[, ~~including~~



1       ~~major coursework in early childhood education and~~  
2       ~~child development, and preferably holding an academic~~  
3       ~~degree in the field of early childhood education and~~  
4       ~~child development]~~;

5       (3) Have direct experience in programs or services related  
6       to early ~~[learning,]~~ childhood education;

7       (4) Have recent experience in a supervisory, consultative,  
8       or administrative position;

9       (5) Be paid a salary set by the ~~[board]~~ governor that  
10       shall not exceed ninety per cent of the salary of the  
11       director of human resources development; and

12       (6) Be included in any benefit program generally  
13       applicable to the officers and employees of the State.

14       (c) The director shall be responsible for:

15       (1) Serving as the principal officer in state government  
16       responsible for the performance, development, and  
17       control of programs, policies, and activities ~~[under~~  
18       ~~the jurisdiction of the office]~~ related to a public-  
19       private comprehensive early childhood system for  
20       children, from prenatal care to entrance into  
21       kindergarten;



- 1           (2)   Overseeing, supervising, and directing the performance  
2           of the director's subordinates in various activities,  
3           including planning, evaluation, and coordination of  
4           early learning programs;
- 5           (3)   Administering funds allocated for the office and  
6           applying for, receiving, and disbursing grants and  
7           donations from all sources for early learning programs  
8           and services;
- 9           (4)   Assessing the policies and practices of other agencies  
10          impacting early learning and conducting advocacy  
11          efforts for early learning;
- 12          (5)   Advising agencies on new legislation, programs, and  
13          policy initiatives relating to early learning;
- 14          (6)   Employing and retaining staff as may be necessary for  
15          the purposes of this section; and
- 16          (7)   Contracting for services that may be necessary for the  
17          purposes of this section, including through master  
18          contracts [~~, memoranda of understanding, and memoranda~~  
19          ~~of agreement~~] with other state agencies receiving  
20          federal and state funds for programs and services for



1           early learning, and purchase of service agreements  
2           with appropriate agencies."

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

5           "§302L-1.6   Early learning advisory board.   (a)   There is  
6   established [~~within the department of education for~~  
7   ~~administrative purposes only~~] an early learning advisory board,  
8   whose members shall be appointed by the governor pursuant to  
9   section 26-34.   [~~The board shall have power, in accordance with~~  
10   ~~law, to formulate statewide policy relating to early learning.~~]

11   The advisory board shall be responsible for:

- 12           (1)   [~~Directing~~] Advising the office on how best to meet  
13           the [~~developmental and~~] educational needs of children,  
14           from prenatal care to entry into kindergarten;  
15           (2)   Providing recommendations to the office on improving  
16           the quality, availability, and coordination of early  
17           [~~learning~~] childhood care and education programs;  
18           (3)   Promoting collaboration across agencies and  
19           stakeholders serving young children; and  
20           (4)   [~~Appointing the director of the office and evaluating~~  
21           ~~the director on an annual basis.~~] Being an independent



1           voice for children's health, safety, development, and  
2           learning.

3           (b) The advisory board shall consist of the following  
4 voting members:

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

7           (2) A representative of family child care program  
8           providers;

9           (3) A representative of family-child interaction learning  
10          program providers;

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

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

15          (6) A representative from the Hawaii Early Intervention  
16          Coordinating Council;

17          (7) A parent representative;

18          (8) A representative from the Hawaii chapter of the  
19          American Academy of Pediatrics;

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



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

3 (11) [~~A representative~~] Two representatives of the Hawaii  
4 Council of Mayors~~[7]~~ or [~~the~~] each representative's  
5 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, [~~nonvoting~~] voting members of  
9 the advisory board.

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

15 (c) Except for the superintendent of education, directors  
16 of state departments, president of the University of Hawaii,  
17 director of the Hawaii head start state collaboration office,  
18 chief executive officer of Kamehameha Schools, and the executive  
19 director of the Hawaii Association of Independent Schools, or  
20 their designees, the members of the advisory board shall serve  
21 staggered terms as follows:





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



1       (11)   ~~[The representative]~~ Of the two representatives of the  
2           Hawaii Council of Mayors, one shall serve a two-year  
3           term, and the other shall serve a three-year term[-]  
4           as determined by the Hawaii Council of Mayors.

5       (d)   The advisory board shall select a chairperson by a  
6   majority vote of its ~~[voting]~~ members[-]; provided that the  
7   chairperson shall be a representative from the private sector.  
8   A majority of the ~~[voting]~~ members serving on the advisory board  
9   shall constitute a quorum to conduct business. The concurrence  
10  of the majority of the ~~[voting]~~ members serving on the advisory  
11  board shall be necessary to make any action of the advisory  
12  board valid.

13       (e)   The advisory board may form workgroups and  
14  subcommittees, including with individuals who are not advisory  
15  board members, to:

16       (1)   Obtain resource information from early learning  
17           professionals and other individuals as deemed  
18           necessary by the advisory board;

19       (2)   Make recommendations to the advisory board; and



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

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

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

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

SECTION 5. Section 302L-1.7, Hawaii Revised Statutes, is  
amended by amending its title and subsection (a) to read as  
follows:

"§302L-1.7 Early [~~learning~~] childhood education  
**facilities; pre-plus.** (a) There is established the pre-plus  
program within the office to expand access to affordable and  
high-quality early [~~learning~~] childhood education for children  
from low-income families who are not otherwise eligible for



1 kindergarten, by allowing preschool programs to be established  
2 on public school campuses through public-private partnerships."

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

5 "§302L-2 Early learning system[-]; keiki first steps.

6 There is established an early learning system, to be known as  
7 keiki first steps, that shall ensure a spectrum of high-quality  
8 early learning opportunities for children throughout the State,  
9 from [~~prenatal care~~] birth until the time they enter  
10 kindergarten, with priority given to underserved or at-risk  
11 children. The early learning system shall be developed and  
12 administered by the executive office on early learning to the  
13 extent permissible by law. The early learning system shall:

- 14 (1) Be widely accessible and voluntary for both those  
15 served and program and service providers;
- 16 (2) Be a cohesive, comprehensive, and sustainable system  
17 in which:
- 18 (A) All existing early learning programs and  
19 services, whether publicly- or privately-run,  
20 which consist of a variety of early learning  
21 approaches, service deliveries, and settings,



1 including center-based programs, family child  
2 care programs, family-child interaction learning  
3 programs, and home-based instruction programs  
4 designed to promote early learning, are  
5 coordinated, improved, and expanded;

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

7 (C) The use of public facilities for either publicly-  
8 or privately-run early learning programs is  
9 maximized;

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

11 (A) Standards-based content and curriculum, and  
12 accountability; and

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

17 (4) Offer opportunities for family and community  
18 engagement and parent education and support; and

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



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

4       "§302L-3.5   ~~[Board]~~ Advisory board meetings by  
5 teleconference. (a) Notwithstanding any law to contrary, the  
6 advisory board may meet by teleconference.

7       (b) Each member of the advisory board participating in a  
8 meeting by teleconference shall be considered present at the  
9 meeting for purposes of determining quorum and participating in  
10 all proceedings.

11       (c) A meeting by teleconference:

12       (1) Need not have a quorum present at any one location;  
13       and

14       (2) Is subject to the notice requirements applicable to  
15 other advisory board meetings.

16       (d) The notice of each teleconference meeting shall  
17 specify all physical locations from which members of the  
18 advisory board will participate. The notice shall also specify  
19 the physical location from which the presiding officer of the  
20 advisory board will preside. All physical teleconference



1 locations shall be open to the public during the open portion of  
2 the meeting.

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

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

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

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

20 (b) Eligibility criteria for grants. The [~~office~~]  
21 department of human services may award grants for the keiki



1 first steps grant program based on criteria that shall be  
2 developed by the office. The criteria shall include the  
3 requirement that early learning programs and services meet  
4 certain standards of quality, including:

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

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

8 (3) Minimum scheduling requirements, as follows:

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

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

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

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





1           (4) Staff-to-child ratios and group size that meet or  
2           exceed nationally recommended standards;  
3           (5) The employment of teachers and administrators who meet  
4           the qualifications required by the office;  
5           (6) The incorporation of preschool content standards or  
6           other early learning guidelines;  
7           (7) The implementation of health and developmental  
8           screenings for children;  
9           (8) Opportunities for parent or family engagement and  
10          parent education and support; and  
11          (9) Activities for monitoring and data collection to  
12          evaluate early learning programs and services and  
13          inform best practices.  
14          (c) Training; technical assistance; monitoring. The  
15          [~~office~~] department of human services may offer technical  
16          support to, and shall be responsible for monitoring to ensure  
17          the accountability of programs and services within the keiki  
18          first steps grant program, according to the standards developed  
19          by the office."

20          SECTION 9. Section 302L-6, Hawaii Revised Statutes, is  
21          amended to read as follows:



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

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

6       "§302L-7   **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 [~~learning~~]  
20       childhood education that addresses children's



1 physical, 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 ~~[Enrollment priority shall be given but is not limited to~~  
7 ~~children who attend prekindergarten at schools to which the~~  
8 ~~children will be assigned upon entering kindergarten under~~  
9 ~~section 302A-1143.]~~ The department of education may grant  
10 geographic exceptions for children to attend prekindergarten  
11 outside their assigned service area, as the department of  
12 education deems appropriate; provided that the department of  
13 education shall grant a request for geographic exception to  
14 attend a prekindergarten in another service area if the request  
15 is based on the employment location of the parent or guardian of  
16 the student.

17 (c) Enrollment in the program shall be voluntary. A child  
18 who is enrolled in, or is eligible to attend, a public  
19 elementary school, or who is required to attend school pursuant  
20 to section 302A-1132, shall not be eligible for enrollment in  
21 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 office, shall participate in an early learning induction~~  
4 ~~program.~~

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

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

12           ~~(h)~~ (g) 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           ~~(i)~~ (h) 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 ~~[rules adopted by the department~~  
3 ~~pursuant to chapter 91.]~~ section 302L-1.7.

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

8 SECTION 11. Section 346-181, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

10 "(b) Subject to the availability of funds, the program  
11 shall serve four-year-old children, with priority extended to:

12 (1) Children who are not eligible to attend public school  
13 kindergarten in the calendar year in which they turn  
14 five years of age because their birth date occurs  
15 after the kindergarten eligibility date pursuant to  
16 section 302A-411; and

17 (2) Underserved or at-risk children~~[, as defined by rules~~  
18 ~~adopted by the department]~~."


19 SECTION 12. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21



1 SECTION 13. This Act shall take effect on July 1, 2018.

2

INTRODUCED BY: 



# S.B. NO. 2547

**Report Title:**

Early Learning Advisory Board; Early Childhood Education; Keiki First Steps

**Description:**

Repeals amendments made to provisions relating to the early learning system law by Act 202, Session Laws of Hawaii 2017. Changes early learning board to early learning advisory board. Redefines at-risk children to be from families whose income is no more than two hundred fifty per cent of the federal poverty level. Requires the director of the executive office on early learning to be appointed by the governor instead of by the board and for the salary of the director to be set by the governor. Amends director's responsibilities. Administratively removes the board from the department of education. Amends board membership and voting members. Changes the grant program to the keiki first steps grant program. Allows the department of education to grant geographic exceptions for children to attend prekindergarten outside their assigned service area, under certain conditions. Removes participation in an early learning induction program by the principal and other school personnel as a prerequisite to opening a public prekindergarten class in a school.

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

