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# A BILL FOR AN ACT

RELATING TO ACCESS TO LEARNING.

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

1           SECTION 1. The purpose of this Act is to clarify and make  
2 adjustments to Act 46, Session Laws of Hawaii 2020, to reflect  
3 the current situation brought upon by the coronavirus 2019  
4 pandemic.

5           SECTION 2. Chapter 302L, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8           "§302L-       Hawaii early childhood educator stipend  
9 program. (a) There is established the Hawaii early childhood  
10 educator stipend program to be administered by the office to  
11 address the shortage of early childhood educators who have  
12 coursework in early childhood education.

13           (b) An individual shall be eligible for stipend  
14 consideration if the individual:

15           (1) Is enrolled at a university of Hawaii campus or in a  
16 university of Hawaii program and qualifies for Hawaii  
17 resident tuition; and



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1       (2) Is enrolled in a certificate, degree, or license  
2       program in early childhood education, including those  
3       in the Hawaiian language medium, which includes  
4       courses required for the respective program of study,  
5       within the university of Hawaii system.

6       (c) Immediately following completion of a certificate,  
7       degree, or license program pursuant to subsection (b), stipend  
8       recipients shall provide early care and education services  
9       directly to children from birth through five years of age for at  
10      least two consecutive years in one of the early learning  
11      settings described in section 302L-2, including Hawaiian  
12      language medium and Hawaiian immersion settings and early  
13      learning settings at charter schools.

14      (d) If the recipient fails to complete a certificate,  
15      degree, or license program pursuant to subsection (b), or to  
16      satisfy the work requirements of subsection (c), stipend funds  
17      shall be repaid as follows:

18      (1) For each year less than the designated number of years  
19      that a stipend recipient does not meet the work  
20      requirements of subsection (c), the recipient shall



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1           repay a proportionate percentage of the total stipend  
2           funds received; and

3       (2) The repayment shall be subject to the terms and  
4           conditions set by the office for stipend repayment,  
5           including circumstances under which recipients may be  
6           eligible for deferment or forgiveness due to hardship  
7           or inability to secure employment, as well as  
8           potential for fees for the collection of delinquent  
9           repayment.

10 Stipend funds repaid by a stipend recipient pursuant to this  
11 subsection shall be deposited into the early learning special  
12 fund established pursuant to section 302L-5.

13       (e) In accordance with chapter 103D, the office may enter  
14 into written contracts with collection agencies to collect  
15 delinquent repayment of stipends owed to the office pursuant to  
16 subsection (d). A collection agency that enters into a written  
17 contract with the office to collect delinquent stipend  
18 repayments pursuant to this section may collect a fee from the  
19 debtor in accordance with the terms of, and up to the amounts  
20 authorized in, the written contract.



1       (f) The office may adopt rules pursuant to chapter 91 to  
2 implement and administer the stipend program, including the  
3 terms of repayment pursuant to subsection (d)."

4       SECTION 3. Section 302D-39, Hawaii Revised Statutes, is  
5 amended to read as follows:

6       "~~§~~302D-39~~§~~ **Public early learning and preschool**  
7 **programs; administrative authority.** (a) The commission shall  
8 have administrative authority over all state-funded early  
9 learning programs and private partnership-funded preschool  
10 programs in public charter schools except for special education  
11 and Title I-funded prekindergarten programs.

12       (b) The early learning programs in charter schools  
13 shall enroll no more than a maximum of twenty children per  
14 classroom who are three- or four-years-old on or before  
15 July 31 of the school year, as aligned with the department's  
16 kindergarten age entry requirements.

17       (c) Subject to the availability of funding, the commission  
18 shall implement an application process for schools to establish  
19 an early learning program.

20       (d) Each early learning program and preschool program  
21 shall meet the following requirements:



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- 1           (1) The availability of a classroom and outdoor play area  
2           that meet department of human services requirements  
3           for the health and safety of three- and four-year-old  
4           children and is exempt from section 346-161 as a  
5           public preschool provider;
- 6           (2) The commitment of the principal to implementing an  
7           early learning program, including through active  
8           participation in professional development sessions  
9           offered through the commission, and promoting  
10          continuity and alignment between and across other  
11          early learning programs in the community and other  
12          grade levels in the school to ensure the positive  
13          outcomes of children are sustained;
- 14          (3) The inclusion of students with disabilities based on  
15          individualized education program placement; provided  
16          that:
- 17                (A) The in-classroom ratio of students with  
18                disabilities shall be based on the inclusion of  
19                children with disabilities in proportion to the  
20                general population of the school;



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- 1 (B) Subparagraph (A) does not anticipate or permit  
2 imposing caps or quotas on the number of children  
3 with disabilities in a program or not  
4 individualizing services for children with  
5 disabilities under the Individuals with  
6 Disabilities Education Act of 2004 (20 U.S.C.  
7 1400 et seq., as amended);
- 8 (C) The department shall collaborate with the charter  
9 school to coordinate services for students with  
10 disabilities who are placed in the classroom  
11 offered through the program; and
- 12 (D) Funding for all costs associated with the  
13 implementation of the individualized education  
14 program of students shall be provided through the  
15 department;
- 16 (4) Enrollment in the program shall be free and voluntary;
- 17 (5) The enrollment shall not exceed twenty children per  
18 classroom; and
- 19 (6) The incorporation of standards that are research-based  
20 and developmentally-appropriate practices associated



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1 with improved educational outcomes for children, such  
2 as:

3 (A) Positive teacher-child interactions that shall be  
4 evaluated through observations conducted by the  
5 commission using a research-based tool at least  
6 twice a year, for the purposes of professional  
7 development; provided that the observations shall  
8 not be used for the purposes of teacher  
9 evaluation;

10 (B) The early learning environment shall be assessed  
11 using a tool that measures its effectiveness and  
12 shall be conducted at least two times per school  
13 year by a certified observer who is employed or  
14 contracted by the commission; provided that the  
15 teaching staff shall use the assessment data and  
16 feedback to improve the quality of the learning  
17 environment; provided further that observations  
18 shall be used for the purposes of professional  
19 development and shall not be used for the  
20 purposes of teacher evaluation;



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- 1           (C) Use of individual child formative assessments  
2           that are used for ongoing planning relating to  
3           all areas of child development and learning  
4           including cognitive, linguistic, social emotional  
5           approaches to learning, and health and physical  
6           development;
- 7           (D) Family engagement in partnership with charter  
8           schools, including conducting outreach for  
9           enrollment and engagement of families in their  
10          children's education in recognition of families'  
11          role as their child's first and most important  
12          teacher;
- 13          (E) Alignment with the Hawaii early learning and  
14          development standards, department standards,  
15          state content and performance standards, and  
16          general learner outcomes for grades kindergarten  
17          to twelve to facilitate a seamless educational  
18          experience for children;
- 19          (F) Requirements that any teacher shall have  
20          coursework in early childhood education pursuant  
21          to Hawaii teacher standards board licensing



1 requirements for a prekindergarten teacher or be  
2 enrolled in a state-approved teacher education  
3 program and be working toward satisfying the  
4 Hawaii teacher standards board licensing  
5 requirements; and

6 (G) Requirements that any educational assistant has a  
7 current child development associate credential,  
8 coursework for a certificate that meets the  
9 requirements for child development associate  
10 credential preparation, or be enrolled in and  
11 working toward completing a program that prepares  
12 the individual to obtain the credential.

13 (e) The commission shall monitor the implementation of the  
14 educational experience for children.

15 (f) The commission shall provide support to incorporate  
16 the standards developed pursuant to subsection (d), including  
17 support related to teacher-child interactions, early childhood  
18 learning environment, individual child assessments, and family  
19 engagement.

20 (g) Teaching staff participating in a program established  
21 pursuant to this section shall participate in coaching and



1 mentoring and professional development opportunities offered  
2 through the commission; provided that the commission shall cover  
3 the associated travel and substitute teacher costs, contingent  
4 upon funding availability. The commission may extend this  
5 support, excluding travel and substitute teacher costs, to  
6 individuals who are not participating in the program to promote  
7 alignment between all grade levels, programs, and settings.

8 (h) School leaders shall attend professional development  
9 sessions related to P-3 (preschool to grade three) alignment  
10 offered through the commission. The commission shall cover the  
11 costs associated with travel and substitute teacher  
12 expenditures, contingent upon the availability of funding. The  
13 commission may extend this support, excluding travel and  
14 substitute teacher costs, to individuals who are not  
15 participating in the program to promote alignment between all  
16 grade levels, programs, and settings.

17 (i) The commission shall work with each charter school to  
18 develop and annually update a written three-year plan that  
19 promotes, within the school and community, alignment of and  
20 transitions between learning experiences, and report on the  
21 progress made toward the plan by the end of the school year.



1           (j) The commission shall coordinate with other agencies  
2 and programs to facilitate comprehensive services for early  
3 learning.

4           (k) The commission shall promote the development of a  
5 cohesive, comprehensive, and sustainable early learning system.  
6 The commission shall coordinate with other early learning  
7 providers, including those providing the programs and services,  
8 to promote alignment between prekindergarten and elementary  
9 school programs and to support children and their families in  
10 making successful transitions from prekindergarten into  
11 kindergarten.

12           (1) Each early learning program and preschool program may  
13 use available classrooms for public preschool programs  
14 statewide.

15           ~~(l)~~ (m) The commission shall adopt rules pursuant to  
16 chapter 91 for the purpose of this section.

17           ~~(m)~~ (n) The commission shall submit a report to the  
18 legislature no later than twenty days prior to the convening of  
19 each regular session regarding state-funded early learning  
20 programs in charter schools. The report shall include, as  
21 related to each type of program:



- 1           (1) The number and location of classrooms;
- 2           (2) Sources of funding for each classroom;
- 3           (3) Aggregated data reflecting the quality of teacher-
- 4                 child interactions relating to emotional support,
- 5                 classroom organization, and instructional support;
- 6           (4) Aggregated data reflecting the quality of the early
- 7                 learning environment and the teacher-child
- 8                 interactions that maximize the learning opportunities
- 9                 of the environment; and
- 10          (5) Aggregated student outcomes related to all areas of
- 11                 child development and learning, including cognitive,
- 12                 linguistic, social and emotional approaches to
- 13                 learning and health and physical development, as
- 14                 assessed using a formative assessment tool selected or
- 15                 approved by the commission.

16 This reported data shall be compiled from the previously state-  
17 funded school year."

18           SECTION 4. Section 302L-5, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:

20           "(a) There is established within the state treasury the  
21 early learning special fund, to be administered by the executive



1 office on early learning, into which shall be deposited all  
2 moneys received by the office in the form of:

3 (1) Repayments made from the Hawaii early childhood  
4 educator stipend program pursuant to section  
5 302L- (d);

6 (2) Fees;

7 [~~+2~~] (3) Grants;

8 [~~+3~~] (4) Donations;

9 [~~+4~~] (5) Appropriations made by the legislature to the  
10 fund; and

11 [~~+5~~] (6) Revenues regardless of their source,

12 and earnings on moneys in the fund. Moneys in the fund shall be  
13 used for the early learning system. Expenditures from the fund  
14 may be made by the office without appropriation or allotment."

15 SECTION 5. Section 302L-7, Hawaii Revised Statutes, is  
16 amended as follows:

17 1. By amending subsection (a) to read:

18 "(a) There is established within the early learning system  
19 an early childhood education program to be known as the  
20 executive office on early learning public prekindergarten



1 program and to be administered by the office pursuant to rules  
2 adopted by the office. The program shall:

3 (1) Be provided through the executive office on early  
4 learning, which shall partner with the department of  
5 education and state public charter school commission  
6 through either a memorandum of agreement or memorandum  
7 of understanding pursuant to the requirements of this  
8 section;

9 (2) Prepare children for school and active participation  
10 in society through the use of either of the State's  
11 two official languages; and

12 (3) Provide access to high-quality early learning that  
13 addresses children's physical, cognitive, linguistic,  
14 social, and emotional development."

15 2. By amending subsections (o) and (p) to read:

16 "(o) The office shall collect data with assistance from  
17 the department of [~~education,~~] education and state public  
18 charter school commission, based on a schedule to be determined  
19 by the office, to:

20 (1) Evaluate the services provided;

21 (2) Inform policy; and



1 (3) Make any improvements to the program.

2 (p) The department of education and any state public

3 charter school commission that exists pursuant to chapter 302D

4 may use available classrooms for public preschool programs

5 statewide. The office shall give priority to public charter

6 schools that serve high populations of underserved or at-risk

7 children. Preschool classrooms established pursuant to this

8 section shall be in addition to any classrooms used for the pre-

9 plus program established pursuant to section 302L-1.7."

10 SECTION 6. Section 346-181, Hawaii Revised Statutes, is

11 amended by amending subsections (b) and (c) to read as follows:

12 "(b) Subject to the availability of funds, the program

13 shall serve [~~three and~~] four-year-old children [~~who are in the~~

14 ~~two years prior to kindergarten entry pursuant to section~~

15 ~~302A-411~~], with priority extended [~~in the following order to~~

16 ~~any+]~~ to:

17 (1) Children who are not eligible to attend public school

18 kindergarten in the calendar year in which they turn

19 five years of age because their birth date occurs

20 after the kindergarten eligibility date pursuant to

21 section 302A-411; and



1        (2)    Underserved or at-risk [~~four year old child who was~~  
 2                    ~~previously served as a three year old child,~~  
 3                    children, as defined by rules adopted by the  
 4                    department[~~;~~

5        ~~(2)~~    ~~Four year old child who was previously served as a~~  
 6                    ~~three year old child;~~

7        ~~(3)~~    ~~Four year old child;~~

8        ~~(4)~~    ~~Underserved or at risk three year old child, as~~  
 9                    ~~defined by rules adopted by the department; and~~

10        ~~(5)~~    ~~Three year old child].~~

11        (c)    Enrollment in the program shall be voluntary. A  
 12    parent or guardian of a child enrolled in the program [~~may~~]  
 13    shall share in the costs of the program through a copayment  
 14    according to a sliding fee scale that is based on need pursuant  
 15    to rules adopted by the department."

16        SECTION 7.    Section 346-184, Hawaii Revised Statutes, is  
 17    amended by amending subsection (a) to read as follows:

18        "(a)    Each service provider of the preschool open doors  
 19    program shall be accredited or shall obtain accreditation within  
 20    seven calendar years of first receiving any funds from the  
 21    preschool open doors program; provided that any existing service



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1 provider unaccredited on July 1, [~~2020,~~] 2022, shall commence  
 2 the accreditation process no later than July 1, [~~2022,~~] 2024,  
 3 and obtain accreditation by July 1, [~~2027,~~] 2029; provided  
 4 further that the director may grant to any service provider one  
 5 or more extensions to obtain accreditation on a case-by-case  
 6 basis."

7 SECTION 8. Act 46, Session Laws of Hawaii 2020, is amended  
 8 as follows:

9 1. By amending sections 2 and 3 to read:

10 "SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
 11 amended by adding two new sections to subpart C of part IV to be  
 12 appropriately designated and to read as follows:

13 "**§302A-A Standardized assessment for students entering**  
 14 **kindergarten.** (a) The board of education shall adopt a

15 [~~student assessment model pursuant to section 302A 1101(a) to~~  
 16 ~~assess all students entering kindergarten.~~

17 ~~(b) Within the first thirty days of each school year, the~~  
 18 ~~department shall assess all kindergarten students with the~~  
 19 ~~student assessment model; provided that any assessment~~  
 20 ~~administered pursuant to this subsection shall be conducted in~~  
 21 ~~either English or Hawaiian.] kindergarten entry assessment, and~~



1 the department of education shall administer the kindergarten  
2 entry assessment.

3 (b) The kindergarten entry assessment shall:

4 (1) Be administered within the first thirty days of each  
5 child's admission into kindergarten;

6 (2) Be a uniform, statewide assessment; provided that it  
7 shall be conducted in English or Hawaiian;

8 (3) Cover all essential domains of school readiness,  
9 including:

10 (A) Language and literacy development;

11 (B) Cognition and general knowledge;

12 (C) Approaches to learning;

13 (D) Physical well-being and motor development; and

14 (E) Social and emotional development;

15 (4) Be used in conformance with the recommendations of the  
16 National Research Council reports on early childhood;

17 and

18 (5) Be valid and reliable for its intended purpose.

19 (c) Information obtained from the kindergarten entry

20 assessments shall be used to:

21 (1) Close the school readiness gap at kindergarten entry;



- 1        (2) Inform instruction in the early elementary school  
2            grades; and
- 3        (3) Inform parent of their children's status and to  
4            involve parents in decisions regarding their  
5            children's education.

6        [~~e~~] (d) The department shall share the information  
7 gathered pursuant to this section with the department of human  
8 services, executive office on early learning, and public charter  
9 school commission to the extent not otherwise prohibited by  
10 administrative rule or law.

11        **§302A-B Prior early learning programs attendance**

12 **disclosure.** (a) At least one parent or guardian of each child  
13 entering kindergarten shall disclose to the department the name  
14 of, address of, and duration of attendance at the early learning  
15 program that the child attended during the previous academic  
16 year. The department may also require the disclosure of any  
17 other information not otherwise prohibited by law that would  
18 assist the department, the department of human services, and the  
19 executive office on early learning in developing, assessing, and  
20 implementing strategies to meet the early learning needs of  
21 children in the State. The department and the executive office



1 on early learning shall use the information to assist the  
 2 executive office on early learning and department of human  
 3 services in determining the levels of prekindergarten attendance  
 4 and need for child care in geographic regions of the State and  
 5 identify the highest priority regions requiring prekindergarten  
 6 programs and child care to meet the needs of unserved or  
 7 underserved eligible children.

8 (b) The department may include a request for the  
 9 information required by subsection (a) on a kindergarten  
 10 enrollment form or any other appropriate form.

11 (c) The department shall share the information gathered  
 12 pursuant to this section with the department of human services,  
 13 executive office on early learning, and public charter school  
 14 commission to the extent not otherwise prohibited by  
 15 administrative rule or law."

16 SECTION 3. Chapter 302D, Hawaii Revised Statutes, is  
 17 amended by adding three new sections to be appropriately  
 18 designated and to read as follows:

19 "**§302D-A Standardized assessment for students entering**  
 20 **kindergarten.** (a) The commission shall adopt the [~~student~~  
 21 ~~assessment model~~] kindergarten entry assessment adopted by the



1 board pursuant to section 302A-A(a) to assess all charter school  
2 students entering kindergarten[~~-~~] within the first thirty days  
3 of admission into kindergarten.

4 (b) [~~Within the first thirty days of each school year, the~~  
5 ~~commission shall ensure that all charter school kindergarten~~  
6 ~~students are assessed by public charter schools with the student~~  
7 ~~assessment model; provided that any assessment administered~~  
8 ~~pursuant to this subsection shall be conducted in either English~~  
9 ~~or Hawaiian.~~] The commission may waive the requirements of the  
10 uniform kindergarten entry assessment on a case-by-case basis.

11 (c) The commission shall share the information gathered  
12 from public charter schools pursuant to this section with the  
13 department, department of human services, and executive office  
14 on early learning to the extent not otherwise prohibited by  
15 administrative rule or law.

16 **§302D-B Prior early learning programs attendance**

17 **disclosure.** (a) At least one parent or guardian of each child  
18 entering kindergarten shall disclose to the public charter  
19 school at which the child is enrolled the name and address of  
20 the early learning program that the child attended during the  
21 previous academic year. Each public charter school shall



1 provide to the commission the information disclosed pursuant to  
2 this section. The commission may also require the disclosure of  
3 any other information not otherwise prohibited by law that would  
4 assist the department, the department of human services, and the  
5 executive office on early learning in developing, assessing, and  
6 implementing strategies to meet the early learning needs of  
7 children in the State. The commission and the executive office  
8 on early learning shall use the information to assist the  
9 department of human services and executive office on early  
10 learning in determining the levels of prekindergarten attendance  
11 and need for child care in geographic regions of the State and  
12 identify the highest priority regions requiring prekindergarten  
13 programs and child care to meet the needs of unserved or  
14 underserved eligible children and shall provide the information  
15 to the department of human services.

16 (b) The commission may include a request for the  
17 information required by subsection (a) on a kindergarten  
18 enrollment form or any other appropriate form used at all public  
19 charter schools.

20 (c) The commission shall share the information gathered  
21 pursuant to this section with the department, department of



1 human services, and executive office on early learning to the  
2 extent not otherwise prohibited by administrative rule or law.

3       **§302D-C Public early learning and preschool programs;**  
4 **administrative authority.** (a) The commission shall have  
5 administrative authority over all state-funded early learning  
6 programs and private partnership-funded preschool programs in  
7 public charter schools except for special education and Title  
8 I-funded prekindergarten programs.

9       (b) The early learning programs in charter schools  
10 shall enroll no more than a maximum of twenty children per  
11 classroom who are three- or four-years-old on or before  
12 July 31 of the school year, as aligned with the department's  
13 kindergarten age entry requirements.

14       (c) Subject to the availability of funding, the commission  
15 shall implement an application process for schools to establish  
16 an early learning program.

17       (d) Each early learning program and preschool program  
18 shall meet the following requirements:

19       (1) The availability of a classroom and outdoor play area  
20             that meet department of human services requirements  
21             for the health and safety of three- and four-year-old



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1 children and is exempt from section 346-161 as a  
2 public preschool provider;

3 (2) The commitment of the principal to implementing an  
4 early learning program, including through active  
5 participation in professional development sessions  
6 offered through the commission, and promoting  
7 continuity and alignment between and across other  
8 early learning programs in the community and other  
9 grade levels in the school to ensure the positive  
10 outcomes of children are sustained;

11 (3) The inclusion of students with disabilities based on  
12 individualized education program placement; provided  
13 that:

14 (A) The in-classroom ratio of students with  
15 disabilities shall be based on the inclusion of  
16 children with disabilities in proportion to the  
17 general population of the school;

18 (B) Subparagraph (A) does not anticipate or permit  
19 imposing caps or quotas on the number of children  
20 with disabilities in a program or not  
21 individualizing services for children with



1 disabilities under the Individuals with  
2 Disabilities Education Act of 2004 (20 U.S.C.  
3 1400 et seq., as amended);

4 (C) The department shall collaborate with the charter  
5 school to coordinate services for students with  
6 disabilities who are placed in the classroom  
7 offered through the program; and

8 (D) Funding for all costs associated with the  
9 implementation of the individualized education  
10 program of students shall be provided through the  
11 department;

12 (4) Enrollment in the program shall be free and voluntary;

13 (5) The enrollment shall not exceed twenty children per  
14 classroom; and

15 (6) The incorporation of standards that are research-based  
16 and developmentally-appropriate practices associated  
17 with improved educational outcomes for children, such  
18 as:

19 (A) Positive teacher-child interactions that shall be  
20 evaluated through observations conducted by the  
21 commission using a research-based tool at least



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1 twice a year, for the purposes of professional  
2 development; provided that the observations shall  
3 not be used for the purposes of teacher  
4 evaluation;

5 (B) The early learning environment shall be assessed  
6 using a tool that measures its effectiveness and  
7 shall be conducted at least two times per school  
8 year by a certified observer who is employed or  
9 contracted by the commission; provided that the  
10 teaching staff shall use the assessment data and  
11 feedback to improve the quality of the learning  
12 environment; provided further that observations  
13 shall be used for the purposes of professional  
14 development and shall not be used for the  
15 purposes of teacher evaluation;

16 (C) Use of individual child formative assessments  
17 that are used for ongoing planning relating to  
18 all areas of child development and learning  
19 including cognitive, linguistic, social emotional  
20 approaches to learning, and health and physical  
21 development;



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- 1           (D) Family engagement in partnership with charter  
2           schools, including conducting outreach for  
3           enrollment and engagement of families in their  
4           children's education in recognition of families'  
5           role as their child's first and most important  
6           teacher;
- 7           (E) Alignment with the Hawaii early learning and  
8           development standards, department standards,  
9           state content and performance standards, and  
10          general learner outcomes for grades kindergarten  
11          to twelve to facilitate a seamless educational  
12          experience for children;
- 13          (F) Requirements that any teacher shall have  
14          coursework in early childhood education pursuant  
15          to Hawaii teacher standards board licensing  
16          requirements for a prekindergarten teacher or be  
17          enrolled in a state-approved teacher education  
18          program and be working toward satisfying the  
19          Hawaii teacher standards board licensing  
20          requirements; and



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1           (G) Requirements that any educational assistant has a  
2           current child development associate credential,  
3           coursework for a certificate that meets the  
4           requirements for child development associate  
5           credential preparation, or be enrolled in and  
6           working toward completing a program that prepares  
7           the individual to obtain the credential.

8           (e) The commission shall monitor the implementation of the  
9           educational experience for children.

10          (f) The commission shall provide support to incorporate  
11          the standards developed pursuant to subsection (d), including  
12          support related to teacher-child interactions, early childhood  
13          learning environment, individual child assessments, and family  
14          engagement.

15          (g) Teaching staff participating in a program established  
16          pursuant to this section shall participate in coaching and  
17          mentoring and professional development opportunities offered  
18          through the commission; provided that the commission shall cover  
19          the associated travel and substitute teacher costs, contingent  
20          upon funding availability. The commission may extend this  
21          support, excluding travel and substitute teacher costs, to



1 individuals who are not participating in the program to promote  
2 alignment between all grade levels, programs, and settings.

3 (h) School leaders shall attend professional development  
4 sessions related to P-3 (preschool to grade three) alignment  
5 offered through the commission. The commission shall cover the  
6 costs associated with travel and substitute teacher  
7 expenditures, contingent upon the availability of funding. The  
8 commission may extend this support, excluding travel and  
9 substitute teacher costs, to individuals who are not  
10 participating in the program to promote alignment between all  
11 grade levels, programs, and settings.

12 (i) The commission shall work with each charter school to  
13 develop and annually update a written three-year plan that  
14 promotes, within the school and community, alignment of and  
15 transitions between learning experiences, and report on the  
16 progress made toward the plan by the end of the school year.

17 (j) The commission shall coordinate with other agencies  
18 and programs to facilitate comprehensive services for early  
19 learning.

20 (k) The commission shall promote the development of a  
21 cohesive, comprehensive, and sustainable early learning system.



1 The commission shall coordinate with other early learning  
2 providers, including those providing the programs and services,  
3 to promote alignment between prekindergarten and elementary  
4 school programs and to support children and their families in  
5 making successful transitions from prekindergarten into  
6 kindergarten.

7 (1) The commission shall adopt rules pursuant to chapter  
8 91 for the purpose of this section.

9 (m) The commission shall submit a report to the  
10 legislature no later than twenty days prior to the convening of  
11 each regular session regarding state-funded early learning  
12 programs in charter schools. The report shall include, as  
13 related to each type of program:

- 14 (1) The number and location of classrooms;
- 15 (2) Sources of funding for each classroom;
- 16 (3) Aggregated data reflecting the quality of teacher-  
17 child interactions relating to emotional support,  
18 classroom organization, and instructional support;
- 19 (4) Aggregated data reflecting the quality of the early  
20 learning environment and the teacher-child



1 interactions that maximize the learning opportunities  
2 of the environment; and  
3 (5) Aggregated student outcomes related to all areas of  
4 child development and learning, including cognitive,  
5 linguistic, social and emotional approaches to  
6 learning and health and physical development, as  
7 assessed using a formative assessment tool selected or  
8 approved by the commission.

9 This reported data shall be compiled from the previously state-  
10 funded school year." "

11 2. By amending section 8 to read:

12 "SECTION 8. Chapter 346, Hawaii Revised Statutes, is  
13 amended by adding a new section to part VIII to be appropriately  
14 designated and to read as follows:

15 "**§346- Prior early learning program information.** (a)

16 ~~[The department shall establish or augment an existing database~~  
17 ~~to collect and analyze information it receives from the~~  
18 ~~department of education pursuant to sections 302A A and 302A B~~  
19 ~~and the state public charter school commission pursuant to~~  
20 ~~sections 302D A and 302D B and any other information the~~  
21 ~~department may collect on all children in the State who are~~



1 ~~three to four years old and children who will not be at least~~  
2 ~~five years of age on or before July 31 of the current school~~  
3 ~~year.]~~ The Hawaii p-20 partnerships for education may include,  
4 in the state longitudinal system, prior early learning program  
5 information from the executive office on early learning,  
6 department of education, Hawaii state public charter school  
7 commission, executive office on early learning, department of  
8 human services, and department of health.

9 (b) To the extent not prohibited by administrative rule or  
10 law, the department, department of education, public charter  
11 school commission, and executive office on early learning shall  
12 share any information gathered pursuant to sections 302A-A,  
13 302A-B, 302D-A, and 302D-B with each other, along with any other  
14 information the department, department of education, or public  
15 charter school commission may collect on all children in the  
16 State who are three to four years old and children who will not  
17 be at least five years of age on or before July 31 of the  
18 current school year.

19 (c) Any procurement executed pursuant to this section  
20 shall be exempt from chapters 103D and 103F."

21 3. By amending sections 11 and 12 to read:



1           "SECTION 11. There is appropriated out of federal funds  
2 deposited in the state treasury the sum of \$5,000,000 or so much  
3 thereof as may be necessary for fiscal year 2020-2021 for the  
4 department of human services to expand its information  
5 technology system for the purpose of managing the information  
6 collected pursuant to this Act[-]; provided that the funds  
7 appropriated by this section shall not lapse at end of the  
8 fiscal year for which appropriated; provided further that all  
9 moneys from the appropriation that are unencumbered as of  
10 June 30, 2023, shall lapse as of that date.

11           The sum appropriated shall be expended by the department of  
12 human services for the purposes of this Act.

13           SECTION 12. Chapter 26, Hawaii Revised Statutes, is  
14 amended by adding a new part to be appropriately designated and  
15 to read as follows:

16   **"PART . EARLY LEARNING**

17           **§26-           Benchmarks; duties.** (a) The department of human  
18 services and the executive office on early learning shall ensure  
19 access to learning through preschool programs that meet or  
20 exceed the following benchmarks:



1           (1) Fifty per cent of all otherwise unserved children who  
2           are three to four years of age, or will not be at  
3           least five years of age on or before July 31 of the  
4           current school year, shall have access to enrollment  
5           in a preschool program by December 31, 2027; and

6           (2) One hundred per cent of all children who are three to  
7           four years of age, or will not be at least five years  
8           of age on or before July 31 of the current school  
9           year, shall have access to enrollment in a preschool  
10          program by December 31, 2032.

11          The department of human services and the executive office on  
12          early learning shall submit an annual report to the legislature,  
13          no later than August 31 of each year, on the progress toward  
14          achieving the benchmarks until all children who are three to  
15          four years of age, or will not be at least five years of age on  
16          or before July 31 of the current school year, are enrolled in a  
17          preschool program.

18          (b) The department of human services and the executive  
19          office on early learning shall collaborate to identify the need  
20          for child care and early learning in geographic regions of the  
21          State and consider using public facilities including schools,



1 libraries, and the university of Hawaii system as locations for  
2 child care and early learning programs.

3 (c) The department of human services [~~may create programs~~  
4 ~~and private sector delivery systems that can pose the essential~~  
5 ~~information and policy questions, monitor the progress of the~~  
6 ~~implementation of this part, and generate timely detailed~~  
7 ~~reports to the extent allowable by law.] shall work jointly with  
8 the executive office on early learning to monitor the progress  
9 of implementing the early care and education sector programs.~~

10 No later than twenty days prior to the convening of the regular  
11 sessions of 2023, 2024, 2025, 2026, and 2027, the department of  
12 human services and the executive office on early learning shall  
13 submit to the legislature a joint report on the progress of  
14 implementing the early care and education sector programs.

15 (d) The department of human services shall facilitate and  
16 support data sharing among public and private entities to the  
17 extent not otherwise prohibited by law or rule."

18 4. By amending sections 15 and 16 to read:

19 "SECTION 15. There is appropriated out of the Hawaiian  
20 early learning trust fund the sum of \$5,000,000 or so much  
21 thereof as may be necessary for fiscal year 2020-2021 for the



1 purpose of assisting Ka Haka Ula O Keelikolani, in partnership  
2 with the Imiloa astronomy center and other public or private  
3 partners as appropriate or required by law, to build two or more  
4 classrooms for Hawaiian language medium pre-kindergarten  
5 programs that shall be used to establish a pathway for the  
6 development of other Hawaiian language medium pre-kindergarten  
7 and Hawaiian language immersion classes[-]; provided that all  
8 programs funded by this section shall be licensed by the  
9 department of human services.

10 The sum appropriated shall be expended by the university of  
11 Hawaii at Hilo for the purposes of this Act.

12 SECTION 16. The standards, assessments, performance  
13 ratings, staff qualifications, and staff training requirements  
14 established by this Act shall not apply to any laboratory school  
15 program of the Hawaiian language college at the university of  
16 Hawaii at Hilo until July 1, 2026[-]; provided that all child  
17 care centers shall be licensed by the department of human  
18 services."

19 5. By amending section 21 to read:

20 "SECTION 21. This Act shall take effect upon approval;  
21 provided that:



## H.B. NO. 1362

- 1 (1) Sections 10, 11, 15, and 18 shall take effect on  
2 July 1, 2020;
- 3 (2) Section 2~~[+]~~ and sections 302D-A and 302D-B, Hawaii  
4 Revised Statutes, as set forth in section 3~~[+]~~ ~~section~~  
5 ~~8, and section 13]~~ shall take effect on July 1, 2022;  
6 [and] provided that sections 302A-A(c) and 302A-B(c),  
7 Hawaii Revised Statutes, as set forth in section 2;  
8 and 302D-A(c) and 302D-B(c), Hawaii Revised Statutes,  
9 as set forth in section 3 shall take effect on July 1,  
10 2023;
- 11 (3) Sections 8 and 13 shall take effect on July 1, 2023;  
12 and
- 13 ~~[+3+]~~ (4) Section 12 shall take effect on July 1, 2024."

14 SECTION 9. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect upon its approval;  
17 provided that:

- 18 (1) Section 5 shall be repealed on July 1, 2022, and  
19 section 302L-7, Hawaii Revised Statutes, shall be  
20 reenacted in the form in which it read on the day  
21 prior to the effective date of this Act;



# H.B. NO. 1362

- 1           (2) Section 6 shall be repealed on July 1, 2024, and  
2           section 346-181, Hawaii Revised Statutes, shall be  
3           reenacted in the form in which it read on the day  
4           prior to the effective date of this Act; and  
5           (3) Section 9 shall take effect on July 1, 2021.

6

INTRODUCED BY: \_\_\_\_\_



JAN 27 2021



# H.B. NO. 1362

**Report Title:**

Department of Human Services; Department of Education; Preschool Open Doors Program; Executive Office on Early Learning; Appropriation

**Description:**

Establishes the Hawaii early childhood educator stipend program to address shortage of early childhood education educators. Extends certain effective dates for implementation of Act 46, SLH 2020. Requires the application of a uniform assessment for public and charter school kindergarten students. Allows educational data to be shared using an existing system. Appropriates funds.

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

