## A BILL FOR AN ACT

RELATING TO ACCESS TO LEARNING.

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

1	SECT	ION 1. The purpose of this Act is to:
2	(1)	Establish the Hawaii early childhood educator stipend
3		program and Hawaii early childhood educator special
4		fund; and
5	(2)	Clarify and make adjustments to Act 46, Session Laws
6		of Hawaii 2020, to reflect the current situation
7		brought upon by the coronavirus 2019 pandemic and
8		improve assessment of the longitudinal education and
9		workforce outcomes of students who were provided with
10		early childhood services.
11	SECT	ION 2. Chapter 302L, Hawaii Revised Statutes, is
12	amended b	y adding two new sections to be appropriately
13	designate	d and to read as follows:
14	" <u>§30</u>	2L-A Hawaii early childhood educator stipend program.
15	(a) Ther	e is established the Hawaii early childhood educator

16 stipend program to be administered by the office to address the

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1	shortage o	f early childhood educators who have coursework in
2	early chil	dhood education.
3	(b)	An individual shall be eligible for stipend
4	considerat	ion if the individual:
5	(1)	Is enrolled at a University of Hawaii campus or in a
6		University of Hawaii program and qualifies for Hawaii
7		resident tuition; and
8	(2)	Is enrolled in a certificate, degree, or license
9		program in early childhood education, including those
10		in the Hawaiian language medium, which includes
11		courses required for the respective program of study,
12		within the University of Hawaii system.
13	(c)	Immediately following completion of a certificate,
14	degree, or	license program pursuant to subsection (b), stipend
15	recipients	shall provide early care and education services
16	directly t	o children from birth through five years of age for at
17	least two	consecutive years in one of the early learning systems
18	described	in section 302L-2, including Hawaiian language medium
19	and Hawaii	an immersion settings and early learning settings at
20	<u>charter sc</u>	hools.

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1	(d)	If the recipient fails to complete a certificate,
2	degree, o	r license program pursuant to subsection (b), or to
3	satisfy t	he work requirements of subsection (c), stipend funds
4	shall be	repaid as follows:
5	(1)	For each year less than the designated number of years
6		that a stipend recipient does not meet the work
7		requirements of subsection (c), the recipient shall
8		repay a proportionate percentage of the total stipend
9		funds received; and
10	(2)	The repayment shall be subject to the terms and
11		conditions set by the office for stipend repayment,
12		including circumstances under which recipients may be
13		eligible for deferment or forgiveness due to hardship
14		or inability to secure employment, as well as
15		potential for fees for the collection of delinquent
16		repayment.
17	(e)	Stipend funds repaid by a stipend recipient pursuant
18	to subsec	tion (d) shall be deposited into Hawaii early childhood
19	educator	special fund established pursuant to section 302L-B.
20	<u>(f)</u>	The office may accept federal funds to support the
21	<u>Hawaii ea</u>	rly childhood educator stipend program.

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1	(g) In accordance with chapter 103D, the office may enter
2	into written contracts with collection agencies to collect
3	delinquent repayment of stipends owed to the office pursuant to
4	subsection (d). A collection agency that enters into a written
5	contract with the office to collect delinquent stipend
6	repayments pursuant to this section may collect a fee from the
7	debtor in accordance with the terms of, and up to the amounts
8	authorized in, the written contract.
9	(h) The office may adopt rules pursuant to chapter 91 to
10	implement and administer the stipend program, including the
11	terms of repayment pursuant to subsection (d).
12	<u>§302L-B</u> Hawaii early childhood educator special fund.
13	There is established within the state treasury the Hawaii early
14	childhood educator special fund, to be administered by the
15	office, into which shall be deposited all moneys received by the
16	office pursuant to section 302L-A(e). Moneys in the fund shall
17	be used for the Hawaii early childhood educator stipend program
18	established pursuant to section 302L-A."
19	SECTION 3. Section 26-12, Hawaii Revised Statutes, is
20	amended to read as follows:

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"\$26-12 Department of education. (a) The department of
 education shall be headed by an executive board to be known as
 the board of education.

4 (b) Under policies established by the board, the 5 superintendent shall administer programs of education and public 6 instruction throughout the State, including education at the 7 primary and secondary school levels, adult education, school 8 library services, health education and instruction (not 9 including dental health treatment transferred to the department 10 of health), special education and Title I funded programs at the 11 prekindergarten level, and such other programs as may be established by law; provided that the department shall not 12 13 establish general education prekindergarten classrooms, 14 including private partnership-funded classrooms and classrooms 15 to provide general education settings for children whose 16 individualized education programs require such placement; 17 provided further that the department may [establish]: 18 (1) Establish Title I-funded prekindergarten

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classrooms[-]; and

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1	<u>(2)</u> <u>Di</u>	rectly accept private funding for the purpose of
2	es	tablishing public prekindergarten programs; provided
3	fu	arther that:
4	<u>(</u> A	) The department shall comply with section 302L-7;
5	<u>(B</u>	3) The department and the executive office on early
6		learning shall sign a bilateral memorandum of
7		agreement or understanding; and
8	<u>(</u> C	The department, the executive office on early
9		learning, and the person or entity providing the
10		private funding may sign a multilateral
11		memorandum of agreement or understanding.
12	(c) If	the private funding provided is insufficient to
13	<u>maintain the</u>	e classroom operations of a public prekindergarten
14	program esta	ablished pursuant to subsection (b)(2), the
15	department a	and executive office on early learning shall be
16	prohibited f	rom requesting additional funding from the
17	legislature	to pay for the remaining costs.
18	<u>(d)</u> Th	ne department shall collaborate with the executive
19	office on ea	arly learning to coordinate services for children who
20	are placed t	chrough their individualized education programs in a
21	general educ	cation prekindergarten setting in a classroom offered

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1 by the executive office on early learning public prekindergarten 2 program. Under policies established by the early learning 3 board, the executive office on early learning shall have 4 administrative authority over all state-funded prekindergarten 5 programs, and private partnership-funded prekindergarten programs in the public schools, except for special education and 6 7 Title I-funded prekindergarten programs. The state librarian, 8 under policies established by the board of education, shall be 9 responsible for the administration of programs relating to 10 public library services and transcribing services for the blind.

11 (e) The functions and authority exercised by the 12 department relating to state-funded prekindergarten programs, 13 private partnership-funded prekindergarten programs in the 14 public schools, and classrooms to provide general education 15 settings for children whose individualized education programs 16 require such placement, except for special education and 17 Title I-funded prekindergarten programs, shall be transferred to 18 the executive office on early learning; provided that the 19 department shall continue to provide, and have administrative 20 authority over[7-services]:

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1 (1) <u>Services</u> generally provided to the schools, excluding 2 those services related to curriculum, instruction, 3 assessment, and professional learning support, for any 4 facility on a department school campus at which the 5 executive office on early learning administers 6 programs[-]; and

7 (2) Public prekindergarten programs established pursuant
8 to subsection (b) (2).

9 (f) The functions and authority heretofore exercised by
10 the department of education (except dental health treatment
11 transferred to the department of health), library of Hawaii,
12 Hawaii county library, Maui county library, and the transcribing
13 services program of the bureau of sight conservation and work
14 with the blind, as heretofore constituted are transferred to the
15 public library system established by this chapter.

16 (g) The management contract between the board of 17 supervisors of the county of Kauai and the Kauai public library 18 association shall be terminated at the earliest time after 19 November 25, 1959, permissible under the terms of the contract 20 and the provisions of this [paragraph] subsection shall 21 constitute notice of termination, and the functions and

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authority heretofore exercised by the Kauai county library as
 heretofore constituted and the Kauai public library association
 over the public libraries in the county of Kauai shall thereupon
 be transferred to the public library system established by this
 chapter.

6 (h) The management contracts between the trustees of the 7 library of Hawaii and the Friends of the Library of Hawaii, and 8 between the library of Hawaii and the Hilo library and reading 9 room association, shall be terminated at the earliest time after 10 November 25, 1959, permissible under the terms of the contracts, 11 and the provisions of this [paragraph] subsection shall 12 constitute notice of termination.

13 (i) Upon the termination of the contracts, the State or 14 the counties shall not enter into any library management 15 contracts with any private association; provided that in 16 providing library services, the board of education may enter 17 into contracts approved by the governor for the use of lands, 18 buildings, equipment, and facilities owned by any private 19 association.

20 (j) Notwithstanding any law to the contrary, the board of
21 education may establish, specify the membership number and

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quorum requirements for, appoint members to, and disestablish a commission in each county to be known as the library advisory commission, which shall in each case sit in an advisory capacity to the board of education on matters relating to public library services in their respective county."

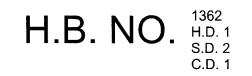
6 SECTION 4. Section 302D-39, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]\$302D-39[+] Public early learning and preschool
9 programs; administrative authority. (a) The commission shall
10 have administrative authority over all state-funded early
11 learning programs and private partnership-funded preschool
12 programs in public charter schools except for special education
13 and Title I-funded prekindergarten programs.

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

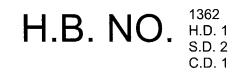
(c) Subject to the availability of funding, the commission
shall implement an application process for schools to establish
an early learning program.

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

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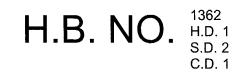
1			children with disabilities in proportion to the
2			general population of the school;
3		(B)	Subparagraph (A) does not anticipate or permit
4			imposing caps or quotas on the number of children
5			with disabilities in a program or not
6			individualizing services for children with
7			disabilities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

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1 (6) The incorporation of standards that are research-based 2 and developmentally-appropriate practices associated 3 with improved educational outcomes for children, such 4 as: 5 Positive teacher-child interactions that shall be (A) 6 evaluated through observations conducted by the 7 commission using a research-based tool at least 8 twice a year, for the purposes of professional 9 development; provided that the observations shall 10 not be used for the purposes of teacher 11 evaluation; 12 (B) The early learning environment shall be assessed 13 using a tool that measures its effectiveness and 14 shall be conducted at least two times per school 15 year by a certified observer who is employed or 16 contracted by the commission; provided that the 17 teaching staff shall use the assessment data and 18 feedback to improve the quality of the learning 19 environment; provided further that observations 20 shall be used for the purposes of professional

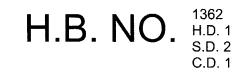
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1		development and shall not be used for the
2		purposes of teacher evaluation;
3	(C)	Use of individual child formative assessments
4		that are used for ongoing planning relating to
5		all areas of child development and learning
6		including cognitive, linguistic, social emotional
7		approaches to learning, and health and physical
8		development;
9	(D)	Family engagement in partnership with charter
10		schools, including conducting outreach for
11		enrollment and engagement of families in their
12		children's education in recognition of families'
13		role as their child's first and most important
14		teacher;
15	(E)	Alignment with the Hawaii early learning and
16		development standards, department standards,
17		state content and performance standards, and
18		general learner outcomes for grades kindergarten
19		to twelve to facilitate a seamless educational
20		experience for children;

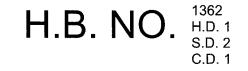
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1	(F	Requirements that any teacher shall have
2		coursework in early childhood education pursuant
3		to Hawaii teacher standards board licensing
4		requirements for a prekindergarten teacher or be
5		enrolled in a state-approved teacher education
6		program and be working toward satisfying the
7		Hawaii teacher standards board licensing
8		requirements; and
9	(G	) Requirements that any educational assistant has a
10		current child development associate credential,
11		coursework for a certificate that meets the
12		requirements for child development associate
13		credential preparation, or be enrolled in and
14		working toward completing a program that prepares
15		the individual to obtain the credential.
16	(e) Th	e commission shall monitor the implementation of the
17	educational	experience for children.

18 (f) The commission shall provide support to incorporate
19 the standards developed pursuant to subsection (d), including
20 support related to teacher-child interactions, early childhood

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learning environment, individual child assessments, and family
 engagement.

3 Teaching staff participating in a program established (q) 4 pursuant to this section shall participate in coaching and 5 mentoring and professional development opportunities offered 6 through the commission; provided that the commission shall cover 7 the associated travel and substitute teacher costs, contingent 8 upon funding availability. The commission may extend this 9 support, excluding travel and substitute teacher costs, to 10 individuals who are not participating in the program to promote 11 alignment between all grade levels, programs, and settings. 12 (h) School leaders shall attend professional development 13 sessions related to P-3 (preschool to grade three) alignment 14 offered through the commission. The commission shall cover the

15 costs associated with travel and substitute teacher

16 expenditures, contingent upon the availability of funding. The 17 commission may extend this support, excluding travel and 18 substitute teacher costs, to individuals who are not 19 participating in the program to promote alignment between all 20 grade levels, programs, and settings.

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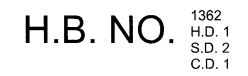
1 (i) The commission shall work with each charter school to 2 develop and annually update a written three-year plan that 3 promotes, within the school and community, alignment of and 4 transitions between learning experiences, and report on the 5 progress made toward the plan by the end of the school year. 6 The commission shall coordinate with other agencies (<sup>†</sup>) 7 and programs to facilitate comprehensive services for early 8 learning. 9 (k) The commission shall promote the development of a 10 cohesive, comprehensive, and sustainable early learning system. The commission shall coordinate with other early learning 11 12 providers, including those providing the programs and services, 13 to promote alignment between prekindergarten and elementary school programs and to support children and their families in 14 15 making successful transitions from prekindergarten into 16 kindergarten. 17 (1) Each early learning program and preschool program may 18 use available classrooms for public preschool programs 19 statewide.

20 [(1)] (m) The commission shall adopt rules pursuant to
21 chapter 91 for the purpose of this section.

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1	[ <del>.(m)</del>	] <u>(n)</u> The commission shall submit a report to the
2	legislatu	re no later than twenty days prior to the convening of
3	each regu	lar session regarding state-funded early learning
4	programs	in charter schools. The report shall include, as
5	related t	o each type of program:
6	(1)	The number and location of classrooms;
7	(2)	Sources of funding for each classroom;
8	(3)	Aggregated data reflecting the quality of teacher-
9		child interactions relating to emotional support,
10		classroom organization, and instructional support;
11	(4)	Aggregated data reflecting the quality of the early
12		learning environment and the teacher-child
13		interactions that maximize the learning opportunities
14		of the environment; and
15	(5)	Aggregated student outcomes related to all areas of
16		child development and learning, including cognitive,
17		linguistic, social and emotional approaches to
18		learning and health and physical development, as
19		assessed using a formative assessment tool selected or
20		approved by the commission.

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1	This reported data shall be compiled from the previously
2	state-funded school year."
3	SECTION 5. Section 302L-7, Hawaii Revised Statutes, is
4	amended by amending subsections (o) and (p) to read as follows:
5	"(o) The office shall collect data with assistance from
6	the department of [education,] education and state public
7	charter school commission, based on a schedule to be determined
8	by the office, to:
9	(1) Evaluate the services provided;
10	(2) Inform policy; and
11	(3) Make any improvements to the program.
12	(p) The department of education and any state public
13	charter school commission that exists pursuant to chapter 302D
14	may use available classrooms for public preschool programs
15	statewide. The office shall give priority to public charter
16	schools that serve high populations of underserved or at-risk
17	children. Preschool classrooms established pursuant to this
18	section shall be in addition to any classrooms used for the
19	pre-plus program established pursuant to section 302L-1.7."
20	SECTION 6. Section 346-181, Hawaii Revised Statutes, is
21	amended by amending subsections (b) and (c) to read as follows:

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1	"(b)	Subject to the availability of funds, the program
2	shall ser	ve [ <del>three- and</del> ] four-year-old children [ <del>who are in the</del>
3	<del>two years</del>	-prior-to-kindergarten entry-pursuant-to
4	section 3	02A-411], with priority extended [in the following
5	<del>order to</del>	any:] to:
6	(1)	Children who are not eligible to attend public school
7		kindergarten in the calendar year in which they turn
8		five years of age because their birth date occurs
9		after the kindergarten eligibility date pursuant to
10		section 302A-411; and
11	[ <del>(1)</del> ]	(2) Underserved or at-risk [four-year-old child who
12		was previously served as a three-year-old child,]
13		children, as defined by rules adopted by the
14		department[+
15	- <del>(2)</del> -	Four-year-old child who was previously served as a
16		three-year-old child;
17	<del>(3)</del>	Four-year-old child;
18	-(4)-	Underserved or at-risk three-year-old child, as
19		defined by rules adopted by the department; and
20	<del>(5)</del>	Three-year-old child].

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1 (c) Enrollment in the program shall be voluntary. A 2 parent or guardian of a child enrolled in the program [may] 3 shall share in the costs of the program through a copayment 4 according to a sliding fee scale that is based on need pursuant 5 to rules adopted by the department." 6 SECTION 7. Section 346-184, Hawaii Revised Statutes, is 7 amended by amending subsection (a) to read as follows: 8 "(a) Each service provider of the preschool open doors

9 program shall be accredited or shall obtain accreditation within 10 seven calendar years of first receiving any funds from the 11 preschool open doors program; provided that any existing service provider unaccredited on July 1, [2020,] 2022, shall commence 12 13 the accreditation process no later than July 1, [2022,] 2024, 14 and obtain accreditation by July 1, [2027;] 2029; provided 15 further that the director may grant to any service provider one 16 or more extensions to obtain accreditation on a case-by-case 17 basis."

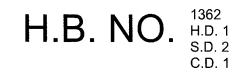
18 SECTION 8. Section 443B-9, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:
20 "(b) This section shall not prohibit a collection agency
21 from collecting, or attempting to collect, from a debtor, a

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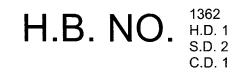
1	commission authorized under a contract with the University of
2	Hawaii, $[\sigma r]$ a contract with the department of taxation pursuant
3	to sections 231-13 and 231-26[ $\cdot$ ], or a contract with the
4	executive office on early learning."
5	SECTION 9. Act 46, Session Laws of Hawaii 2020, is amended
6	as follows:
7	1. By amending sections 2 and 3 to read:
8	"SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
9	amended by adding two new sections to subpart C of part IV to be
10	appropriately designated and to read as follows:
11	"§302A-A Standardized assessment for students entering
12	kindergarten. (a) The board of education shall adopt a
13	[student assessment model pursuant to section 302A-1101(a) to
14	assess all students entering kindergarten.
15	(b) Within the first thirty days of each school year, the
16	department shall assess all kindergarten students with the
17	student assessment model; provided that any assessment
18	administered pursuant to this subsection shall be conducted in
19	either English or Hawaiian.] kindergarten entry assessment, and
20	the department of education shall administer the kindergarten
21	entry assessment.

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1	(b)	The kindergarten entry assessment shall:
2	(1)	Be administered within the first thirty days of each
3		child's admission into kindergarten;
4	(2)	Be a uniform, statewide assessment; provided that the
5		assessment shall be conducted in English or Hawaiian;
6	(3)	Cover all essential domains of school readiness,
7		including:
8		(A) Language and literacy development;
9		(B) Cognition and general knowledge;
10		(C) Approaches to learning;
11		(D) Physical well-being and motor development; and
12		(E) Social and emotional development;
13	(4)	Be used in conformance with the recommendations of the
14		National Research Council reports on early childhood;
15		and
16	(5)	Be valid and reliable for its intended purpose.
17	(c)	Information obtained from the kindergarten entry
18	assessmen	ts shall be used to:
19	(1)	Close the school readiness gap at kindergarten entry;
20	(2)	Inform instruction in the early elementary school
21		grades; and

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1	(3)	Inform parents of their children's status and to
2		involve parents in decisions regarding their
3		children's education.
4	[ <del>(c)</del> ]	(d) The department shall share the information

5 gathered pursuant to this section with the department of human 6 services, executive office on early learning, and public charter 7 school commission to the extent not otherwise prohibited by 8 administrative rule or law.

9 §302A-B Prior early learning programs attendance 10 **disclosure**. (a) At least one parent or guardian of each child entering kindergarten shall disclose to the department the name 11 12 of, address of, and duration of attendance at the early learning 13 program that the child attended during the previous academic 14 year. The department may also require the disclosure of any 15 other information not otherwise prohibited by law that would 16 assist the department, the department of human services, and the 17 executive office on early learning in developing, assessing, and 18 implementing strategies to meet the early learning needs of 19 children in the State. The department and the executive office 20 on early learning shall use the information to assist the 21 executive office on early learning and department of human

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services in determining the levels of prekindergarten attendance
 and need for child care in geographic regions of the State and
 identify the highest priority regions requiring prekindergarten
 programs and child care to meet the needs of unserved or
 underserved eligible children.

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

9 (c) The department shall share the information gathered 10 pursuant to this section with the department of human services, 11 executive office on early learning, and public charter school 12 commission to the extent not otherwise prohibited by 13 administrative rule or law."

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

17 "\$302D-A Standardized assessment for students entering
18 kindergarten. (a) The commission shall adopt the [student
19 assessment-model] kindergarten entry assessment adopted by the
20 board pursuant to section 302A-A(a) to assess all charter school

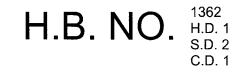
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1 students entering kindergarten[-] within the first thirty days
2 of admission into kindergarten.

3 (b) [Within the first thirty days of each school year, the 4 commission shall ensure that all charter school kindergarten 5 students are assessed by public charter schools with the student 6 assessment model; provided that any assessment administered 7 pursuant to this subsection shall be conducted in either English 8 or Hawaiian.] The commission may waive the requirements of the 9 uniform kindergarten entry assessment on a case-by-case basis. 10 (C) The commission shall share the information gathered 11 from public charter schools pursuant to this section with the 12 department, department of human services, and executive office on early learning to the extent not otherwise prohibited by 13 14 administrative rule or law.

15 §302D-B Prior early learning programs attendance
16 disclosure. (a) At least one parent or guardian of each child
17 entering kindergarten shall disclose to the public charter
18 school at which the child is enrolled the name and address of
19 the early learning program that the child attended during the
20 previous academic year. Each public charter school shall
21 provide to the commission the information disclosed pursuant to

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

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

19 (c) The commission shall share the information gathered20 pursuant to this section with the department, department of

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

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

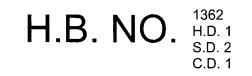
9 (b) The early learning programs in charter schools
10 shall enroll no more than a maximum of twenty children per
11 classroom who are three- or four-years-old on or before
12 July 31 of the school year, as aligned with the department's
13 kindergarten age entry requirements.

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

17 (d) Each early learning program and preschool program18 shall meet the following requirements:

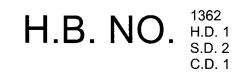
19 (1) The availability of a classroom and outdoor play area
20 that meet department of human services requirements
21 for the health and safety of three- and four-year-old

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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

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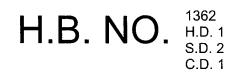


1		disabilities under the Individuals with
2		Disabilities Education Act of 2004
3		(20 U.S.C. 1400 et seq., as amended);
4		(C) The department shall collaborate with the charter
5		school to coordinate services for students with
6		disabilities who are placed in the classroom
7		offered through the 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

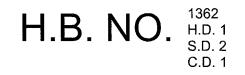
# 2021-3183 HB1362 CD1 HMSO

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



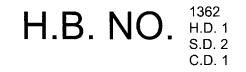
1 (G) Requirements that any educational assistant has a 2 current child development associate credential, 3 coursework for a certificate that meets the 4 requirements for child development associate 5 credential preparation, or be enrolled in and 6 working toward completing a program that prepares 7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

8 (e) The commission shall monitor the implementation of the9 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.

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

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

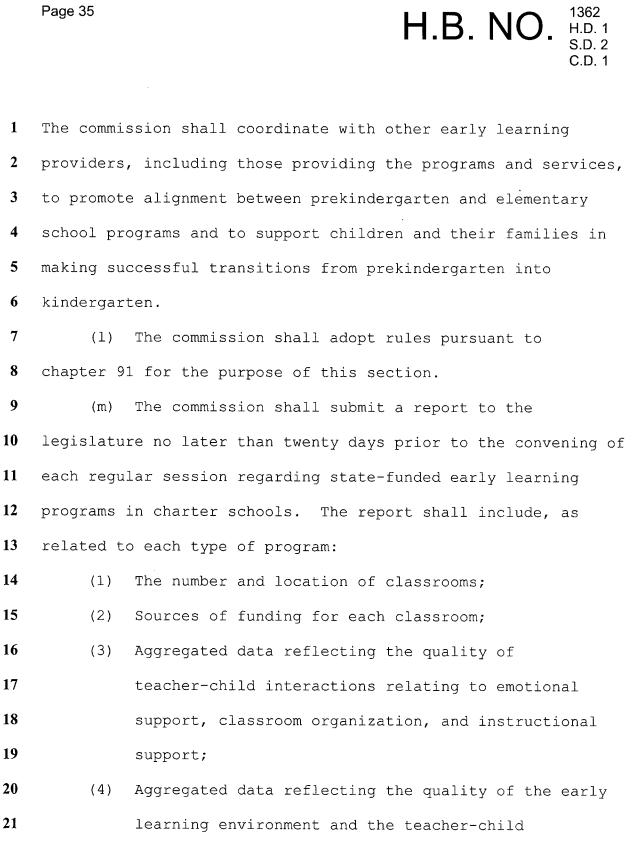
3 (h) School leaders shall attend professional development 4 sessions related to P-3 (preschool to grade three) alignment 5 offered through the commission. The commission shall cover the 6 costs associated with travel and substitute teacher expenditures, contingent upon the availability of funding. 7 The commission may extend this support, excluding travel and 8 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.

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

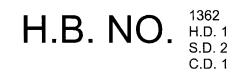
17 (j) The commission shall coordinate with other agencies18 and programs to facilitate comprehensive services for early19 learning.

20 (k) The commission shall promote the development of a21 cohesive, comprehensive, and sustainable early learning system.

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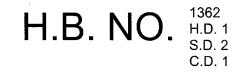


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1	interactions that maximize the learning opportunities
2	of the environment; and
3	(5) Aggregated student outcomes related to all areas of
4	child development and learning, including cognitive,
5	linguistic, social and emotional approaches to
6	learning 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
10	state-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	<b>"§346- Prior early learning program information</b> . (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

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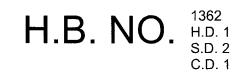


1 three to four years old and children who will not be at least 2 five years of age on or before July 31 of the current school 3 year.

4 (b) To the extent not prohibited by administrative rule or 5 law, the department, department of education, public charter 6 school commission, and executive office on early learning shall 7 share any information gathered pursuant to sections 302A-A, 8 302A-B, 302D-A, and 302D-B with each other, along with any other 9 information the department, department of education, or public 10 charter school commission may collect on all children in the 11 State who are three to four years old and children who will not 12 be at least five years of age on or before July 31 of the 13 current school year.

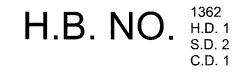
14 (c) An organization whose mission is to strengthen the 15 education pipeline from early childhood through postsecondary 16 education and training with data-informed decision making, 17 advocacy, and policy coordination may include, in the state longitudinal system, prior early learning program information 18 19 from the department, executive office on early learning, 20 department of education, Hawaii state public charter school 21 commission, and department of health.

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1	[ <del>(c)</del> ] <u>(</u> d) Any procurement executed pursuant to this
2	section shall be exempt from chapters 103D and 103F.""
3	3. By amending sections 11, 12, and 13 to read:
4	"SECTION 11. There is appropriated out of federal funds
5	deposited in the state treasury the sum of \$5,000,000 or so much
6	thereof as may be necessary for fiscal year 2020-2021 for the
7	department of human services to expand its information
8	technology system for the purpose of managing the information
9	collected pursuant to this $Act[-]$ ; provided that the funds
10	appropriated by this section shall not lapse at the end of the
11	fiscal year for which they are appropriated; provided further
12	that all moneys from the appropriation that are unencumbered as
13	of June 30, 2023, shall lapse as of that date.
14	The sum appropriated shall be expended by the department of
15	human services for the purposes of this Act.
16	SECTION 12. Chapter 26, Hawaii Revised Statutes, is
17	amended by adding a new part to be appropriately designated and
18	to read as follows:
19	"PART . EARLY LEARNING
20	<b>§26- Benchmarks; duties.</b> (a) The department of human
21	services and the executive office on early learning shall ensure

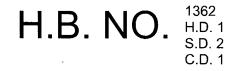
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1 access to learning through preschool programs that meet or 2 exceed the following benchmarks: 3 (1) Fifty per cent of all otherwise unserved children who 4 are three to four years of age, or will not be at 5 least five years of age on or before July 31 of the 6 current school year, shall have access to enrollment 7 in a preschool program by December 31, 2027; and 8 (2) One hundred per cent of all children who are three to 9 four years of age, or will not be at least five years 10 of age on or before July 31 of the current school 11 year, shall have access to enrollment in a preschool 12 program by December 31, 2032. 13 The department of human services and the executive office on early learning shall submit an annual report to the legislature, 14 15 no later than August 31 of each year, on the progress toward 16 achieving the benchmarks until all children who are three to 17 four years of age, or will not be at least five years of age on or before July 31 of the current school year, are enrolled in a 18 19 preschool program.

20 (b) The department of human services and the executive21 office on early learning shall collaborate to identify the need

## 2021-3183 HB1362 CD1 HMS0



for child care and early learning in geographic regions of the
 State and consider using public facilities including schools,
 libraries, and the [university] University of Hawaii system as
 locations for child care and early learning programs.

5 (C) The department of human services [may-create programs 6 and private sector delivery systems that can pose the essential 7 information and policy questions, monitor the progress of the 8 implementation of this part, and generate timely detailed 9 reports to the extent allowable by law.] shall work jointly with 10 the executive office on early learning to monitor the progress of implementing the early care and education sector programs. 11 12 No later than twenty days prior to the convening of the regular 13 sessions of 2025, 2026, and 2027, the department of human 14 services and the executive office on early learning shall submit 15 to the legislature a joint report on the progress of 16 implementing the early care and education sector programs. 17 (d) The department of human services shall facilitate and 18 support data sharing among public and private entities to the 19 extent not otherwise prohibited by law or rule." 20 SECTION 13. Section 27-7, Hawaii Revised Statutes, is

21 amended to read as follows:

## 2021-3183 HB1362 CD1 HMSO

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1362 H.D. 1 S.D. 2 H.B. NO. C.D. 1

1	"§27-7 Departmental data sharing. (a) The department of
2	education, the executive office on early learning, the
3	University of Hawaii, the department of labor and industrial
4	relations, the department of human services, and other state
5	agencies, as appropriate, shall share data through the statewide
6	longitudinal data system to support research and evaluation that
7	will improve [educational and workforce] outcomes [and meet the
8	longitudinal data requirements of the federal American Recovery
9	and Reinvestment Act of 2009, as amended.] throughout the early
10	education to workforce pipeline. The data to be shared shall be
11	determined jointly by the department of education, the executive
12	office on early learning, the University of Hawaii, the
13	department of labor and industrial relations, the department of
14	human services, and other state agencies, as appropriate, and
15	shall be shared no less than annually.
16	(b) The department of education, the executive office on
17	early learning, the University of Hawaii, the department of
18	labor and industrial relations, the department of human
19	services, and other state agencies, as appropriate, shall share
20	data in a manner that safeguards the confidentiality of student

21 education records, as defined by the federal Family Educational

## 2021-3183 HB1362 CD1 HMSO

H.B. NO. <sup>1362</sup> H.D. 1 S.D. 2 C.D. 1

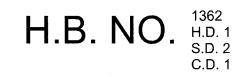
1	Rights and	Privacy Act, and workforce data, as provided by
2	applicable	federal and state laws, rules, and regulations.
3	(C)	All data shared by or with the department of human
4	services,	department of education, public charter school
5	authorizer	s, public charter schools, executive office on early
6	learning,	and other entities as required by statute shall be
7	subject to	any administrative rule regarding privacy adopted by
8	the depart	ment or agency that collected the data.
9	(d)	The department of education, the executive office on
10	early lear	ning, the University of Hawaii, the department of
11	labor and	industrial relations, the department of human
12	services,	and other state agencies, as appropriate, shall
13	[ <del>establish</del>	-a-data governance and access committee that meets on
14	<del>a quarterl</del>	y basis to] partner to collectively govern the
15	statewide	longitudinal data system and determine protocols to:
16	(1)	Prioritize analyses and research questions that will
17		provide information to improve educational and
18		workforce outcomes and policies; and
19	(2)	Approve requests for access to data provided by the
20		department of education, the executive office on early
21		learning, the University of Hawaii, the department of

# 2021-3183 HB1362 CD1 HMSO

#### H.B. NO. <sup>1362</sup> H.D. 1 S.D. 2 C.D. 1

1	labor and industrial relations, the department of
2	human services, and other state agencies, as
3	appropriate.
4	(e) All state agency directors shall consider sharing data
5	for the statewide longitudinal data system.""
6	4. By amending sections 15 and 16 to read:
7	"SECTION 15. There is appropriated out of the Hawaiian
8	early learning trust fund the sum of \$5,000,000 or so much
9	thereof as may be necessary for fiscal year 2020-2021 for the
10	purpose of assisting Ka Haka Ula O Keelikolani, in partnership
11	with the Imiloa astronomy center and other public or private
12	partners as appropriate or required by law, to build two or more
13	classrooms for Hawaiian language medium pre-kindergarten
14	programs that shall be used to establish a pathway for the
15	development of other Hawaiian language medium pre-kindergarten
16	and Hawaiian language immersion classes[-]; provided that no
17	funds shall be made available to a program under this section
18	unless the program is licensed by the department of human
19	services for the purposes of health and safety.
20	The sum appropriated shall be expended by the [university]
21	University of Hawaii at Hilo for the purposes of this Act.

## 2021-3183 HB1362 CD1 HMSO .



1	SECTION 16. The standards, assessments, performance		
2	ratings, staff qualifications, and staff training requirements		
3	established by this Act shall not apply to any laboratory school		
4	program of the Hawaiian language college at the [ <del>university</del> ]		
5	University of Hawaii at Hilo until July 1, 2026[-]; provided		
6	that all child care centers at any applicable college shall be		
7	licensed by the department of human services prior to accepting		
8	children into care."		
9	5. By amending section 21 to read:		
10	"SECTION 21. This Act shall take effect upon approval;		
11	provided that:		
12	(1) Sections 10, 11, 15, and 18 shall take effect on		
13	July 1, 2020;		
14	(2) Section 2; sections 302D-A and 302D-B, Hawaii Revised		
15	Statutes, as set forth in section 3; [section 8;] and		
16	section 13 shall take effect on July 1, [ <del>2022;</del> ] <u>2023;</u>		
17	(3) Section 12 shall take effect on July 1, 2024."		
18	SECTION 10. The Hawaii early childhood educator special		
19	fund established in section 302L-B, Hawaii Revised Statutes,		
20	shall be abolished and repealed on June 30, 2023, and any		
21	unencumbered remaining balances shall lapse to the general fund.		

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H.B. NO. <sup>1362</sup> H.D. 1 S.D. 2

1 SECTION 11. There is appropriated out of the general 2 revenues of the State of Hawaii the sum of \$98,000 or so much 3 thereof as may be necessary for fiscal year 2021-2022 and the 4 same sum or so much thereof as may be necessary for fiscal year 5 2022-2023 for one full-time equivalent (1.0 FTE) position to coordinate, staff, and facilitate the implementation of Act 46, 6 7 Session Laws of Hawaii 2020, which will report to the early 8 learning board. 9 The sums appropriated shall be expended by the department 10 of education for the purposes of this Act.

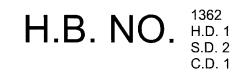
SECTION 12. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

15 SECTION 13. Statutory material to be repealed is bracketed 16 and stricken. New statutory material is underscored.

17 SECTION 14. This Act shall take effect upon its approval;18 provided that:

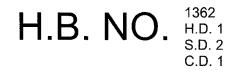
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19 (1) Section 5 shall be repealed on July 1, 2022, and
20 section 302L-7, Hawaii Revised Statutes, shall be
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1		reenacted in the form in which it read on the day
2		prior to the effective date of this Act;
3	(2)	Section 6 shall be repealed on July 1, 2024, and
4		section 346-181, Hawaii Revised Statutes, shall be
5		reenacted in the form in which it read on the day
6		prior to the effective date of this Act; and
7	(3)	Section 11 shall take effect on July 1, 2021.





#### Report Title:

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

#### Description:

Authorizes the department of education to directly accept private funding for the purpose of establishing public prekindergarten programs under certain circumstances. Establishes the Hawaii early childhood educator stipend program to address shortage of early childhood education educators. Establishes the Hawaii early childhood educator special fund. 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. Repeals and abolishes the Hawaii early childhood educator special fund on 6/30/2023. (CD1)

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

