
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:

2 (1) Establish the Hawaii early childhood educator stipend
3 program; and

4 (2) Clarify and make adjustments to Act 46, Session Laws
5 of Hawaii 2020, to reflect the current situation
6 brought upon by the coronavirus 2019 pandemic and
7 improve assessment of the longitudinal education and
8 workforce outcomes of students who were provided with
9 early childhood services.

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

13 "§302L- Hawaii early childhood educator stipend program.

14 (a) There is established the Hawaii early childhood educator
15 stipend program to be administered by the office to address the
16 shortage of early childhood educators who have coursework in
17 early childhood education.



1 (b) An individual shall be eligible for stipend
2 consideration if the individual:

3 (1) Is enrolled at a University of Hawaii campus or in a
4 University of Hawaii program and qualifies for Hawaii
5 resident tuition; and

6 (2) Is enrolled in a certificate, degree, or license
7 program in early childhood education, including those
8 in the Hawaiian language medium, which includes
9 courses required for the respective program of study,
10 within the University of Hawaii system.

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

19 (d) If the recipient fails to complete a certificate,
20 degree, or license program pursuant to subsection (b), or to



1 satisfy the work requirements of subsection (c), stipend funds
2 shall be repaid as follows:

3 (1) For each year less than the designated number of years
4 that a stipend recipient does not meet the work
5 requirements of subsection (c), the recipient shall
6 repay a proportionate percentage of the total stipend
7 funds received; and

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

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

18 (e) In accordance with chapter 103D, the office may enter
19 into written contracts with collection agencies to collect
20 delinquent repayment of stipends owed to the office pursuant to
21 subsection (d). A collection agency that enters into a written



1 contract with the office to collect delinquent stipend
2 repayments pursuant to this section may collect a fee from the
3 debtor in accordance with the terms of, and up to the amounts
4 authorized in, the written contract.

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

8 SECTION 3. Section 26-12, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§26-12 Department of education. The department of
11 education shall be headed by an executive board to be known as
12 the board of education.

13 Under policies established by the board, the superintendent
14 shall administer programs of education and public instruction
15 throughout the State, including education at the primary and
16 secondary school levels, adult education, school library
17 services, health education and instruction (not including dental
18 health treatment transferred to the department of health),
19 special education and Title I funded programs at the
20 prekindergarten level, and such other programs as may be
21 established by law; provided that the department shall not



1 establish general education prekindergarten classrooms,
2 [~~including private partnership funded classrooms~~] and classrooms
3 to provide general education settings for children whose
4 individualized education programs require such placement;
5 provided further that the department may establish Title I-
6 funded prekindergarten classrooms. The department shall
7 collaborate with the executive office on early learning to
8 coordinate services for children who are placed through their
9 individualized education programs in a general education
10 prekindergarten setting in a classroom offered by the executive
11 office on early learning public prekindergarten program. Under
12 policies established by the early learning board, the executive
13 office on early learning shall have administrative authority
14 over all state-funded prekindergarten programs, and private
15 partnership-funded prekindergarten programs in the public
16 schools, except for special education and Title I-funded
17 prekindergarten programs. The state librarian, under policies
18 established by the board of education, shall be responsible for
19 the administration of programs relating to public library
20 services and transcribing services for the blind.



1 The functions and authority exercised by the department
2 relating to state-funded prekindergarten programs, [~~private~~
3 ~~partnership-funded prekindergarten programs in the public~~
4 ~~schools~~], and classrooms to provide general education settings
5 for children whose individualized education programs require
6 such placement, except for special education and Title I-funded
7 prekindergarten programs, shall be transferred to the executive
8 office on early learning; provided that the department shall
9 continue to provide, and have administrative authority over,
10 services generally provided to the schools excluding those
11 services related to curriculum, instruction, assessment, and
12 professional learning support, for any facility on a department
13 school campus at which the executive office on early learning
14 administers programs.

15 The functions and authority heretofore exercised by the
16 department of education (except dental health treatment
17 transferred to the department of health), library of Hawaii,
18 Hawaii county library, Maui county library, and the transcribing
19 services program of the bureau of sight conservation and work
20 with the blind, as heretofore constituted are transferred to the
21 public library system established by this chapter.



1 The management contract between the board of supervisors of
2 the county of Kauai and the Kauai public library association
3 shall be terminated at the earliest time after November 25,
4 1959, permissible under the terms of the contract and the
5 provisions of this paragraph shall constitute notice of
6 termination, and the functions and authority heretofore
7 exercised by the Kauai county library as heretofore constituted
8 and the Kauai public library association over the public
9 libraries in the county of Kauai shall thereupon be transferred
10 to the public library system established by this chapter.

11 The management contracts between the trustees of the
12 library of Hawaii and the Friends of the Library of Hawaii, and
13 between the library of Hawaii and the Hilo library and reading
14 room association, shall be terminated at the earliest time after
15 November 25, 1959, permissible under the terms of the contracts,
16 and the provisions of this paragraph shall constitute notice of
17 termination.

18 Upon the termination of the contracts, the State or the
19 counties shall not enter into any library management contracts
20 with any private association; provided that in providing library
21 services, the board of education may enter into contracts



1 approved by the governor for the use of lands, buildings,
2 equipment, and facilities owned by any private association.

3 Notwithstanding any law to the contrary, the board of
4 education may establish, specify the membership number and
5 quorum requirements for, appoint members to, and disestablish a
6 commission in each county to be known as the library advisory
7 commission, which shall in each case sit in an advisory capacity
8 to the board of education on matters relating to public library
9 services in their respective county."

10 SECTION 4. Section 302A-411, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) Beginning with the [~~2014-2015~~] 2024 school year, any
13 parent, guardian, or other person having the responsibility for,
14 or care of, a child who will be at least five years of age on or
15 before [~~July 31~~] December 31 of the school year shall enroll the
16 child in a public school kindergarten unless the child is
17 enrolled at a private school or the child's attendance is
18 otherwise exempt under section 302A-1132."

19 SECTION 5. Section 302A-1132, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) Beginning with the [~~2014-2015~~] 2024 school year, any
2 parent, guardian, or other person having the responsibility for,
3 or care of, a child who will be at least five years of age on or
4 before [~~July 31~~] December 31 of the school year shall enroll the
5 child in a public school kindergarten unless the child is
6 enrolled at a private school or the child's attendance is
7 otherwise exempt under this section."

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

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

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



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

4 (d) Each early learning program and preschool program
5 shall meet the following requirements:

6 (1) The availability of a classroom and outdoor play area
7 that meet department of human services requirements
8 for the health and safety of three- and four-year-old
9 children and is exempt from section 346-161 as a
10 public preschool provider;

11 (2) The commitment of the principal to implementing an
12 early learning program, including through active
13 participation in professional development sessions
14 offered through the commission, and promoting
15 continuity and alignment between and across other
16 early learning programs in the community and other
17 grade levels in the school to ensure the positive
18 outcomes of children are sustained;

19 (3) The inclusion of students with disabilities based on
20 individualized education program placement; provided
21 that:



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



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



1 shall be used for the purposes of professional
2 development and shall not be used for the
3 purposes of teacher evaluation;

4 (C) Use of individual child formative assessments
5 that are used for ongoing planning relating to
6 all areas of child development and learning
7 including cognitive, linguistic, social emotional
8 approaches to learning, and health and physical
9 development;

10 (D) Family engagement in partnership with charter
11 schools, including conducting outreach for
12 enrollment and engagement of families in their
13 children's education in recognition of families'
14 role as their child's first and most important
15 teacher;

16 (E) Alignment with the Hawaii early learning and
17 development standards, department standards,
18 state content and performance standards, and
19 general learner outcomes for grades kindergarten
20 to twelve to facilitate a seamless educational
21 experience for children;



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) The 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



1 learning environment, individual child assessments, and family
2 engagement.

3 (g) Teaching staff participating in a program established
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.



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 (j) The commission shall coordinate with other agencies
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.
11 The commission shall coordinate with other early learning
12 providers, including those providing the programs and services,
13 to promote alignment between prekindergarten and elementary
14 school programs and to support children and their families in
15 making successful transitions from prekindergarten into
16 kindergarten.

17 (l) Each early learning program and preschool program may
18 use available classrooms for public preschool programs
19 statewide.

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



1 [~~(m)~~] (n) The commission shall submit a report to the
2 legislature no later than twenty days prior to the convening of
3 each regular session regarding state-funded early learning
4 programs in charter schools. The report shall include, as
5 related to 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.



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

3 SECTION 7. Section 302L-5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) There is established within the state treasury the
6 early learning special fund, to be administered by the executive
7 office on early learning, into which shall be deposited all
8 moneys received by the office in the form of:

9 (1) Repayments made from the Hawaii early childhood
10 educator stipend program pursuant to
11 section 302L- (d);

12 [~~1~~] (2) Fees;

13 [~~2~~] (3) Grants;

14 [~~3~~] (4) Donations;

15 [~~4~~] (5) Appropriations made by the legislature to the
16 fund; and

17 [~~5~~] (6) Revenues regardless of their source,

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



1 SECTION 8. Section 302L-7, Hawaii Revised Statutes, is
2 amended by amending subsections (o) and (p) to read as follows:

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

- 7 (1) Evaluate the services provided;
- 8 (2) Inform policy; and
- 9 (3) Make any improvements to the program.

10 (p) The department of education and any state public
11 charter school commission that exists pursuant to chapter 302D
12 may use available classrooms for public preschool programs
13 statewide. The office shall give priority to public charter
14 schools that serve high populations of underserved or at-risk
15 children. Preschool classrooms established pursuant to this
16 section shall be in addition to any classrooms used for the
17 pre-plus program established pursuant to section 302L-1.7."

18 SECTION 9. Section 346-181, Hawaii Revised Statutes, is
19 amended by amending subsections (b) and (c) to read as follows:

20 "(b) Subject to the availability of funds, the program
21 shall serve [~~three—and~~] four-year-old children [~~who are in the~~]



1 ~~two years prior to kindergarten entry pursuant to section~~
2 ~~302A-411], with priority extended [in the following order to~~
3 ~~any:] to:~~

4 (1) Children who are not eligible to attend public school
5 kindergarten in the calendar year in which they turn
6 five years of age because their birth date occurs
7 after the kindergarten eligibility date pursuant to
8 section 302A-411; and

9 (2) Underserved or at-risk [four year old child who was
10 previously served as a three year old child,]
11 children, as defined by rules adopted by the
12 department [

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

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

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

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

19 (c) Enrollment in the program shall be voluntary. A
20 parent or guardian of a child enrolled in the program ~~[may]~~
21 shall share in the costs of the program through a copayment



1 according to a sliding fee scale that is based on need pursuant
2 to rules adopted by the department."

3 SECTION 10. Section 346-184, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

15 SECTION 11. Section 443B-9, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) This section shall not prohibit a collection agency
18 from collecting, or attempting to collect, from a debtor, a
19 commission authorized under a contract with the University of
20 Hawaii, [~~or~~] a contract with the department of taxation pursuant



1 to sections 231-13 and 231-26[-], or a contract with the
2 executive office on early learning."

3 SECTION 12. Act 46, Session Laws of Hawaii 2020, is
4 amended as follows:

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

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

9 "**§302A-A Standardized assessment for students entering**

10 **kindergarten.** (a) The board of education shall adopt a
11 ~~[student assessment model pursuant to section 302A-1101(a) to~~
12 ~~assess all students entering kindergarten.~~

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

20 (b) The kindergarten entry assessment shall:



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



1 (3) Inform parents of their children's status and to
2 involve parents in decisions regarding their
3 children's education.

4 [~~e~~] (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
11 entering kindergarten shall disclose to the department the name
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



1 services in determining the levels of prekindergarten attendance
2 and need for child care in geographic regions of the State and
3 identify the highest priority regions requiring prekindergarten
4 programs and child care to meet the needs of unserved or
5 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."

14 SECTION 3. Chapter 302D, Hawaii Revised Statutes, is
15 amended by adding three new sections to be appropriately
16 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



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
13 on early learning to the extent not otherwise prohibited by
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



1 this section. The commission may also require the disclosure of
2 any other information not otherwise prohibited by law that would
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
9 learning in determining the levels of prekindergarten attendance
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
13 underserved eligible children and shall provide the information
14 to the department of human services.

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

19 (c) The commission shall share the information gathered
20 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
8 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.

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



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
3 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



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;



- 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 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
8 chapter 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
17 teacher-child interactions relating to emotional
18 support, classroom organization, and instructional
19 support;

20 (4) Aggregated data reflecting the quality of the early
21 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
 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 "§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.

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) The Hawaii p-20 partnerships for education may
15 include, in the state longitudinal system, prior early learning
16 program information from the department, executive office on
17 early learning, department of education, Hawaii state public
18 charter school commission, and department of health.

19 [~~e~~] (d) Any procurement executed pursuant to this
20 section shall be exempt from chapters 103D and 103F."

21 3. By amending sections 11, 12, and 13 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 they are appropriated; provided further
9 that all moneys from the appropriation that are unencumbered as
10 of 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 2024, 2025, 2026, and 2027, the department of human
12 services and the executive office on early learning shall submit
13 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 SECTION 13. Section 27-7, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§27-7 Departmental data sharing. (a) The department of
21 education, the University of Hawaii, the department of labor and



1 industrial relations, the department of human services, and
2 other state agencies, as appropriate, shall share data through
3 the statewide longitudinal data system to support research and
4 evaluation that will improve [~~educational and workforce~~]
5 outcomes [~~and meet the longitudinal data requirements of the~~
6 ~~federal American Recovery and Reinvestment Act of 2009, as~~
7 ~~amended.~~] throughout the early education to workforce pipeline.

8 The data to be shared shall be determined jointly by the
9 department of education, the University of Hawaii, the
10 department of labor and industrial relations, the department of
11 human services, and other state agencies, as appropriate, and
12 shall be shared no less than annually.

13 (b) The department of education, the University of Hawaii,
14 the department of labor and industrial relations, the department
15 of human services, and other state agencies, as appropriate,
16 shall share data in a manner that safeguards the confidentiality
17 of student education records, as defined by the federal Family
18 Educational Rights and Privacy Act, and workforce data, as
19 provided by applicable federal and state laws, rules, and
20 regulations.



1 (c) All data shared by or with the department of human
2 services, department of education, public charter school
3 authorizers, public charter schools, executive office on early
4 learning, and other entities as required by statute shall be
5 subject to any administrative rule regarding privacy adopted by
6 the department or agency that collected the data.

7 (d) The department of education, the University of Hawaii,
8 the department of labor and industrial relations, the department
9 of human services, and other state agencies, as appropriate,
10 shall [~~establish a data governance and access committee that~~
11 ~~meets on a quarterly basis to~~] partner to collectively govern
12 the statewide longitudinal data system and determine protocols
13 to:

14 (1) Prioritize analyses and research questions that will
15 provide information to improve educational and
16 workforce outcomes and policies; and

17 (2) Approve requests for access to data provided by the
18 department of education, the University of Hawaii, the
19 department of labor and industrial relations, the
20 department of human services, and other state
21 agencies, as appropriate.



1 (e) All state agency directors shall consider sharing data
2 for the statewide longitudinal data system."

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

4 "SECTION 15. There is appropriated out of the Hawaiian
5 early learning trust fund the sum of \$5,000,000 or so much
6 thereof as may be necessary for fiscal year 2020-2021 for the
7 purpose of assisting Ka Haka Ula O Keelikolani, in partnership
8 with the Imiloa astronomy center and other public or private
9 partners as appropriate or required by law, to build two or more
10 classrooms for Hawaiian language medium pre-kindergarten
11 programs that shall be used to establish a pathway for the
12 development of other Hawaiian language medium pre-kindergarten
13 and Hawaiian language immersion classes[-]; provided that all
14 programs funded by this section shall be licensed by the
15 department of human services for the purposes of health and
16 safety.

17 The sum appropriated shall be expended by the [university]
18 University of Hawaii at Hilo for the purposes of this Act.

19 SECTION 16. The standards, assessments, performance
20 ratings, staff qualifications, and staff training requirements
21 established by this Act shall not apply to any laboratory school



1 program of the Hawaiian language college at the [university]
2 University of Hawaii at Hilo until July 1, 2026[-]; provided
3 that all child care centers shall be licensed by the department
4 of human services."

5 5. By amending section 21 to read:

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

8 (1) Sections 10, 11, 15, and 18 shall take effect on
9 July 1, 2020;

10 (2) Section 2[+] and sections 302D-A and 302D-B, Hawaii
11 Revised Statutes, as set forth in section 3[-
12 ~~section 8; and section 13~~] shall take effect on
13 July 1, 2022; [and] provided further that
14 sections 302A-A(d) and 302A-B(c), Hawaii Revised
15 Statutes, as set forth in section 2; and 302D-A(c)
16 and 302D-B(c), Hawaii Revised Statutes, as set forth
17 in section 3 shall take effect on July 1, 2023;

18 (3) Sections 8 and 13 shall take effect on July 1, 2023;
19 and

20 [~~3~~] (4) Section 12 shall take effect on July 1, 2024."



1 SECTION 13. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so
 3 much thereof as may be necessary for fiscal year 2021-2022 and
 4 the same sum or so much thereof as may be necessary for fiscal
 5 year 2022-2023 for one full-time equivalent (1.0 FTE) position
 6 to coordinate, staff, and facilitate the implementation of Act
 7 46, 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.

11 SECTION 14. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 1. This Act shall take effect on July 1, 2050;
 14 provided that:

15 (1) Section 8 shall be repealed on July 1, 2022, and
 16 section 302L-7, Hawaii Revised Statutes, shall be
 17 reenacted in the form in which it read on the day
 18 prior to the effective date of this Act;

19 (2) Section 9 shall be repealed on July 1, 2024, and
 20 section 346-181, Hawaii Revised Statutes, shall be



1 reenacted in the form in which it read on the day
2 prior to the effective date of this Act; and
3 (3) Section 13 shall take effect on July 1, 2021.



Report Title:

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

Description:

Removes the prohibition for private funds to go directly to the Department of Education schools for the purposes of opening prekindergarten classrooms. 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. Effective 7/1/2050. (SD1)

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

