



**GOV. MSG. NO. 1338**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 6, 2021

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2021, the following bill was signed into law:

HB1362 HD1 SD2 CD1

RELATING TO ACCESS TO LEARNING.  
**ACT 210 (21)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

# 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 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           SECTION 2. Chapter 302L, Hawaii Revised Statutes, is

12 amended by adding two new sections to be appropriately

13 designated and to read as follows:

14           "§302L-A Hawaii early childhood educator stipend program.

15           (a) There is established the Hawaii early childhood educator

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

1 shortage of early childhood educators who have coursework in  
2 early childhood education.

3 (b) An individual shall be eligible for stipend  
4 consideration 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 to 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 Hawaiian immersion settings and early learning settings at  
20 charter schools.



1        (d) If the recipient fails to complete a certificate,  
2 degree, or license program pursuant to subsection (b), or to  
3 satisfy the 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 subsection (d) shall be deposited into Hawaii early childhood  
19 educator special fund established pursuant to section 302L-B.

20       (f) The office may accept federal funds to support the  
21 Hawaii early childhood educator stipend program.



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       **§302L-B 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:



1           "**S26-12 Department of education.** (a) The department of  
2 education shall be headed by an executive board to be known as  
3 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  
12 established by law; provided that the department shall not  
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  
19           classrooms[-]; and



1       (2) Directly accept private funding for the purpose of  
2       establishing public prekindergarten programs; provided  
3       further that:

4       (A) The department shall comply with section 302L-7;

5       (B) The department and the executive office on early  
6       learning shall sign a bilateral memorandum of  
7       agreement or understanding; and

8       (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       maintain the classroom operations of a public prekindergarten  
14       program established pursuant to subsection (b) (2), the  
15       department and executive office on early learning shall be  
16       prohibited from requesting additional funding from the  
17       legislature to pay for the remaining costs.

18       (d) The department shall collaborate with the executive  
19       office on early learning to coordinate services for children who  
20       are placed through their individualized education programs in a  
21       general education prekindergarten setting in a classroom offered



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  
6 programs in the public schools, except for special education and  
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 [~~services~~]:





1        (1) Services 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



1 authority heretofore exercised by the Kauai county library as  
2 heretofore constituted and the Kauai public library association  
3 over the public libraries in the county of Kauai shall thereupon  
4 be transferred to the public library system established by this  
5 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



1 quorum requirements for, appoint members to, and disestablish a  
2 commission in each county to be known as the library advisory  
3 commission, which shall in each case sit in an advisory capacity  
4 to the board of education on matters relating to public library  
5 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.

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

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



1 (d) Each early learning program and preschool program  
2 shall meet 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



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) Enrollment in the program shall be free and voluntary;

19 (5) The enrollment shall not exceed twenty children per  
20 classroom; and

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 (A) Positive teacher-child interactions that shall be  
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



- 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;



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 ~~[(+)]~~ (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 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:



1           "(b) Subject to the availability of funds, the program  
2 shall serve [~~three and~~] four-year-old children [~~who are in the~~  
3 ~~two years prior to kindergarten entry pursuant to~~  
4 ~~section 302A-411~~], with priority extended [~~in the following~~  
5 ~~order to 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           ~~(1)~~ (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           ~~(2) Four year old child who was previously served as a~~  
16           ~~three year old child,~~

17           ~~(3) 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           ~~(5) Three year old child].~~



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  
12 provider unaccredited on July 1, [~~2020~~] 2022, shall commence  
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



1 commission authorized under a contract with the University of  
2 Hawaii, [~~or~~] a contract with the department of taxation pursuant  
3 to sections 231-13 and 231-26[~~-~~], 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.~~



- 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 assessments 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





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  
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



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) 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  
18 longitudinal system, prior early learning program information  
19 from the department, executive office on early learning,  
20 department of education, Hawaii state public charter school  
21 commission, and department of health.



1           [~~(e)~~] (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           **§26-            Benchmarks; duties.** (a) The department of human  
21 services and the executive office on early learning shall ensure



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  
14 early learning shall submit an annual report to the legislature,  
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  
18 or before July 31 of the current school year, are enrolled in a  
19 preschool program.

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





1 for child care and early learning in geographic regions of the  
2 State and consider using public facilities including schools,  
3 libraries, and the [university] University of Hawaii system as  
4 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  
11 of implementing the early care and education sector programs.  
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:



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



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 authorizers, 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 department or agency that collected the data.

9 (d) The department of education, the executive office on  
10 early learning, 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 ~~[establish a data governance and access committee that meets on~~  
14 ~~a quarterly 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



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.



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 [~~university~~]  
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, [~~2022~~] 2023;
- 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.



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  
6 coordinate, staff, and facilitate the implementation of Act 46,  
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.

11 SECTION 12. In codifying the new sections added by  
12 section 2 of this Act, the revisor of statutes shall substitute  
13 appropriate section numbers for the letters used in designating  
14 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:

19 (1) Section 5 shall be repealed on July 1, 2022, and  
20 section 302L-7, 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;

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.

APPROVED this 06 day of JUL , 2021



GOVERNOR OF THE STATE OF HAWAII



HB No. 1362, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki  
Speaker  
House of Representatives



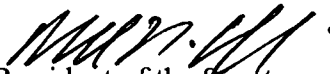
Brian L. Takeshita  
Chief Clerk  
House of Representatives




**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 27, 2021  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.

  
President of the Senate

  
Clerk of the Senate